A TREATISE COLLECTED OVT OF THE STATVTES of this Kingdom, and according to common experience of the Lawes, concerning the Office and Authoritie of Coroners and Sherifes:

TOGETHER

With an easie and plain method for the keeping of a Court Leet, Court Baron, and Hundred Court, &c.

By IOHN WILKINSON
of Barnards Inne, Gent.

LONDON,
Printed for the Companie of Stationers. 1618.

Cum Privilegio.

1877-23

A TREATISE COLLECTED OVT OF THE STATVTES of this Kingdom, and according to common experience of the Lawes, concerning the Office and Authoritie of Coroners and Sherifes:

TOGETHER

With an easie and plain method for the keeping of a Court Leet, Court Baron, and Hundred Court, &c.

By IOHN WILKINSON of Barnards Inne, Gent.

LONDON,
Printed for the Companie of Stationers. 1618.

Cum Priuilegio.

A TREATISE COLLECTED OVT OF THE STATVTES of this Kingdom, and according to common experience of the Law concerning the Office and Authoritie of Coroners and Sheriffes:

TOGETHER

With an easie and plain method for the keeping of a Court Lect, Court Baron, and Hundred Court, &c.

By JOHN WILKINSON
of Barnard's Inne, Gent.

LONDON,
Printed for the Companie of Stationers. 1618.

Cum Privilegio.

TO THE RIGHT HONOVRABLE, AND my verie good Lord, Sir HENRY MOVNTAGVE Knight, Lord chiefe Iustice of the Kings Maiesties BENCH.

RIght Honourable; wheras many wise and learned men haue written of things that they haue gathered by reading, I do publish

what I haue practiſed, warranted by authorities in Law. And becauſe the end of writing books is to benefite others, I knowe it will bee acceptable to all that are not deepely ſtudied, to make vſe of theſe things which I haue collected: neyther can it offend the beſt learned, to ſee that plainly ſet out, as it were by demonſtration, which they by learning alreadie vnderſtand.

The Office of a Coroner, the Office and duetie of a Sheriffe, and the Office of a Steward, and the maner of keeping of Courts in Hundreds, Leetes, and Baronies, are daily exerciſed by manie, yet fewe knowe the true formes that are to bee kept in

keeping of theſe Courts: for heir ſakes therefore I haue vndertaken this paines, and dare bee bolde to ſay, that they ſhall not much erre, if they followe what is heere in this Booke ſet downe, for direction for them herein. To your good Lordſhippe, whoſe place is high in Iuſtice, and whoſe mind ſtudies the Common-wealths good, I haue preſumed to dedicate this Worke, moſt humbly beſeeching your Honours fauourable acceptance and patronage thereof, euer wiſhing vnto your Honour a perpetuall continuance of all honour and happineſſe in this life, and heauenly felicitie in the life to come: And euen ſo being ouer

bold

bold to trouble your good Lord
ſhippe, doe moſt humbly take
my leaue.

Your Honors poore ſer-
uant in all duetie e-
uer to commaund,

Iohn Wilkinſon.

A COMPENDIOVS TREATISE, WHEREIN is set forth the office and authoritie of a CORONER.

THE FIRST BOOKE.

A Coroner is an auncient Officer of this Realme, and ordeyned to be a principall preseruer of the P. and to carrie the Records of the Pleas of the Crowne, and of his owne view, and of abiurations, outlaries, appeales, &c. And this definition of him is giuen by Britton an auncient writer, fo. 3. with the which agreeth the booke de le

Coron in Fitzh. Nat br pag. 186. where hee amplifieth his power more largely, viz. That hee should carrie records of his owne view, Abiurations, Outlaries, Appeales, accusements of theeues done before him, and of all nonsuits in appeales, and of all other things done in the Countie that appertaine to the Coroners office: and also in the Court of freemen which haue franchises of infangthefe &c. And in the presence of the Coroner shall all appeales of Robberie and Larcenie be framed. These things doe declare the office of a Coroner to be an office of trust, and of great authoritie: and for that cause it is requisite that it be committed to a wise man, and of good behauiour, as it was well perceiued by our auncient fathers and predecessors, and chiefly by those that made the Statutes of Westminst. the 1. cap. 10. which rehearseth, For that that people of small condition, and not of the wisest be now lately chosen to the office of Coroners, and much meeter it were that wise men, loyal and sage should entermeddle with that office, It is prouided that through all Counties be chosen sufficient men to be Coroners, of the most loyall and most sagest Knights, which best know, can or will attend to that office, and that they lawfully keepe and present the pleas of the Crowne. And that the Sheriffes

rities haue counter-rolls of the Coroners, as well of Appeales as of Enquests concerning Attachments, or other matters appertaining to that office. And that no Coroner shall demaund any thing, nor take any thing to execute his office, vpon paine of a great forfeiture to the King.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cause to remoue and discharge a Coroner from his Office if he be not a Knight: but Master Fitzharbert in his Natura breuium in his Writ de Coronatore eligendo, would not allow the same for a sufficient cause at this day, alleaging, that those words were put into the Statute to the intent that a Coroner should haue sufficient within the Countie to answer for all that he doth, or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, and may attend to execute the said office, And therefore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be remoued and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiencie must be rehearsed in the writ, viz that he is occupied in other of the Kings affaires,

or that he is not in healthy, or aged, or vnapt for the same office, or that he is insufficient in lands, or that he hath the Paulsie, or that his aboade is in the vttermost parts of the Countie, or that hee is nominated Sherife, or Ranger of a forrest, but if any of these causes be vntrue, and the Coroner thereby discharged of his office by a false suggestion, then he may if he will go to the Chauncerie, and there by petition pray a Commission to inquire of this false suggestion, the which if it be found, and returned to the Chauncerie, then the King may graunt a Supersedeas to the Sherife of that County, that he remoue not the said Coroner from his office, and if he be remoued before the Supersedeas come, then that he permit the Coroner remoued to execute his office as hee did before his remouall, as it appeareth in master Fitz. Na. Bre. in and by the writs de Coronc elegendo, & de Electione veridariorum.

But it shalbe farre more commendable for him that is chosen a Coroner, that if he perceiue any of the said impediments to bee in himselfe, that he then doe purchase a writ to discharge himselfe from the said office, which writ he shall find in the register fo. 177.

This statute also willeth that no Coroner shal take any thing for doing of his office &c. for this purpose, that hee wholly may bee at

libertie

libertie to doe and execute iuſtice and right, and therfore within twelue yeres after, there was a ſtatute made to puniſh their corruption and extortion, which is called Statutum Exoniæ, made the fouretenth yere of Ed. 1. which you ſhall finde in the booke called ſecunda pars veterũ Statutorum, by the which alſo it appeareth that a Coroner ought to take nothing for executing of his office, which I find not altered by any ſtatute vntill 3. H. 7. ca. 1. which giueth him in murder xiij. s. iiij. d. of the goods of the murderer, if he haue any goods, but if he haue none, then the Coroner is to haue his fee by amercing of the village for ſuffering the murderer to eſcape, and if any particular perſon ſhall bee found guiltie of ſuch eſcape, the coroner hath power to inquire thereof by the ſame ſtatute.

But I find titulo Corone in Fitz. fo. 321. & 371. that a Coroner hath a fee belonging to his office, viz. of euery viſne j. d. when they appeare before the Juſtices of an Eyre.

But that fee is not repugnant to the Statute of Weſtminſter 1. for hee receiueth not the ſame to do his office, but as a right due to him though that he executeth no part of his office &c.

Alſo the ſtatute of 1. H. 8. ca. 7. prohibiteth a Coroner to take any thing for doing of his office vpon paine of xl. s. for euery default.

And also vpon like penaltie where hee giueth not his attendance when he is sent for, and required to make Inquisition vpon the death of any dead corps &c.

And since the Statute of Westminster the first, it was ordeyned and enacted by a Statute made Ann 14. Ed. 3. cap. 7. that no Coroner be chosen if he haue not lands sufficient in the same Countie wherewith hee may answere all manner of people. This Statute is in the negatiue, and therefore the not satisfying of the same Statute, is good cause to remoue him from his Office by the Writ before remembred, the which Writ declareth how he shal be said to be sufficient, and in what sort the same shall be examined, viz. if he haue lands in the Countie vpon the whith he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another Statute made Ann 28. Ed. 3. cap. 6. it was enacted, That all Coroners of euerie Countie should be chosen in the open Counties by the Freeholders of the said Countie, of the most conuenientest and most loyall people that may be found in the said Counties, to execute the said Office: alwayes sauing to the king and to other Lords their Seigniories and Franchises.

And note, that when a Coroner is chosen he shall remaine Officer till such time as the

King

King hath otherwise determined his pleasure, or otherwise that the King decease, and is not changeable euery yeare, as the Sheriffes and Eschetors are, qđ vide Hil' 4. E. 4. fol. 44.

Also when he is elected, the Sheriffe of the same Countie, or his Undersheriffe must giue him his Oath thus, as followeth:

His Oath to the Supremacie.

I A. B. doe vtterly testifie and declare in my conscience that the kings Highnesse is the onely supreame gouernour of this Realme, and of all other his Highnesse Dominions and Countries, aswell in all Spirituall things or causes, as Temporall, And that no forrein Prince, Person, Prelate, State, or Potentate hath or ought to haue any iurisdiction, power, superioritie, preheminence, or authorities Ecclesiasticall or Spiritual within this Realme: And therefore I doe vtterly renounce and forsake all forrein iurisdictions, powers, superiorities, and authorities, and doe promise that I shall from henceforth beare faith and true allegeance to his highnesse, his heyres and lawfull successors, and to my power shall assist and defend all iurisdictions, priuiledges, preheminences, and authorities graunted or belonging to the kings Highnesse, his heires and successors, or vnited and annexed to the Imperiall

Crowne of this Realme. So God me helpe and the contents of this booke. 1. Eliz. ca. 1.

The Oath for the due execution of his Office.

YOu shall sweare that you well and truly shall serue our Soueraigne Lord the Kings Maiestie, and his liege people in the office of a Coroner, and as one of his Maiesties Coroners of this Countie of Southampton, and therin you shal diligently and truely do and accomplish all and euerie thing and things apperteyning to your office, after the best of your cunning, wit, and power, both for the Kings profite and the good of the inhabitants within the said Countie, taking such fées as you ought to take by the Lawes and Statutes of this Realme, and not otherwise. So helpe you God, and the holy contents of this booke. And so let him kisse the booke to affirme his Oath.

First when hée hath notice to take the view of the bodie of any person slaine, eyther with his will, or against his will, hée must then make his precept to the Constables & Tythingmen of the Hundred where the partie lyeth dead, to summon a Jurie to appeare before him, at a day and place certaine, to enquire therof, vpon a paine of xl.s. before remembred. And the forme of his precept is thus, viz.

Southampt. By vertue of mine Office, These are in the

the Kings Maieſties name to will and require you imediatly vpon the receipt hereof to ſummon and warne xviij. able and ſufficient men to be and appeare before me at A. the x. day of Februarie next comming after the date hereof, or to morrow being Tueſday the x. of F. at the towne Hall there, if there be any, or at any other place certaine, then and there to do and execute ſuch things as on his Maieſties behalfe ſhall bee giuen them in charge, whereof faile you not, as you and euerie of you will aunſwere the contrarie at your perills, dated vnder my hand and ſeale this ninth of Februarie anno dom. 1617.

Per me Io. W. vnum Coron. dom. Reg. com. predict.

To the Conſtables and Tithingmen of the hundred of B. in this behalfe, iointly and ſeuerally greeting.

AND when he commeth to the place appointed, he muſt then call for the Conſtable and Tithingman to whom he did direct his warrant for their returne, and when he hath that, then he muſt cauſe one of them, or ſome other for them to make 3. proclamations or oyes & call the iury thus, you good men

men which be returned to appeare here this present time to inquire for our Soueraigne Lord the King, answere to your names as you shall be called euery man at the first cal, vpon paine and perill that may fall thereon: This done, when you haue a full Iurie of 14. or 15. call the foreman to the Booke, & sweare him thus. You shall duely inquire and true presentment make, of such things as shall be giuen you in charge according to your euidence, so helpe you God, and the contents of that booke.

Then call the rest of the Iurie and sweare them by foure at once, and sweare them thus:

ALl such oth as A.B. your foreman hath taken before you on his part, you and euery one of you shall well and truly obserue and keepe on your parts, so God you helpe, and the contents of that booke,

And when they are all thus sworne, call them againe, and let the crier count them after you, and then bid them stand together and heare their charge.

Then begin your charge thus.

The charge. SIrs, you that be sworne, you shall vnderstand what the cause of our meeting is here

here now at this present, It is to inquire and present, or find how A. B. came to his death; for when any man, woman, or childe doe come to their death by any casualtie, or untimely meanes, then the King hath appointed Coroners in euerie Countie to inquire thereof by the oathes of men: And therefore by vertue of mine Office, I haue caused you to be called hither, and haue impannelled and sworne you to that purpose, to the end the King, and his imediate Officers may be truly certified how and by what meanes he hath lost his subiect; Therefore now your charge is, to inquire how and by what meanes the said A. B. came to his death, that a true record may be made thereof: If he was slaine in fight, then you must inquire by whom, when, and where, and in what manner, and with what weapon, as nere as you can, and what goods, cattels, lands or tenements the offendor had at the time of the fact committed, or at any time sithence, and whether hee bee fled for the same or no; for I must tell you that Coroners haue authoritie to inquire by their office of all maner of homicides & slaughters of men, especially aboue all other things, and that by the oathes of men super visum Corporis, and not otherwise: And these homicides & slaughters of men are of diuers kinds or degrees,

but

but they are all apprehended within 2. kinds viz. spirituall homicide, and corporall homicide: the first is the slaughter and destruction of the soule, which is Gods part if he dye in the faith of Christ, and the other is the slaughter of the body, which is the K. part, that must take his ende by the due execution of Justice for the offence committed against the Law: And a corporall homicide is two fold, that is to say, Lingua & facto, Lingua is thrée fold, viz. in commanding, in giuing of counsell, and in defending; Facto is 4. folde, viz. in execution of iustice, homicide willingly done, homicide done by chance, and homicide done by necessity: homicide done by iustice, is whē a man is iustly condemned, and executed for his offence: homicide willingly done, is either murder, or at the least manslaughter: homicide done by chance, is by some accidentall meanes, as where one is killed by casting of a stone vnawares, or shooting of an arrow or such like, and killeth one against the wil or intēt of him that casteth or shooteth: And homicide of necessitie is when a man cannot chose but he must either kill or be killed, & that will be taken to be in his owne defence: then there is homicide inevitable for the aduancement of iustice; And that is where a sherif or other officer by warrant pursues a felon which will not obey or

yéld

yéeld himselfe, but offereth violence, and so is killed in apprehending: or where a man killeth a thefe which would robbe him, In these cases, hee which committeth such homicide shalbe acquited, & neither lose life, lands, or goods for the same. There are other homicides which are no felony, and that is where a mad man either kils himselfe, or any other person when he is mad, or where a childe is killed in the mothers belly not in rerũ natura & that for .ij. causes, viz. one because it had not ỹ name of baptisme, & thother because it cannot be certainly knowne whether ỹ mother killed it by some other means or no, but if an infant of ix. yeres old kil a man, woman or child, if such infant then know good from euill, it is felony in such infant, & that will be well knowne and perceiued by thanswere of such infant to such questions as may bee demanded of him: or here also if a man take vpon him to be a Phisition or a Surgion, & not allowed to vse & practise such faculty, if hee take vpon him a cure which dyeth vnder his hands by his ignorãce, it is held to be felony in such phisition or surgion. Also if a mã kéep a dangerous beast, as a bul, a beare, a dog, or such like, he knowing thẽ to be dangerous, & yet doth not kéep thẽ tied, but wilfully suffereth such beasts to go at large without a kéeper, if such beast ỹ kil a mã, womã or child, it is

held

held to be felonie in the owner of such beast. Also there is another kinde of homicide, which is a kind of murder called felo de se, and that is where one hangs, or kills, or drowns himselfe for lacke of grace: for as it is murder and felonie for one man wilfully and wilfully to kill another; so likewise it is murder and felonie for a man to kill or drowne himselfe willingly and wilfully, yet they are not both in one case, and predicament: for the first doth forfeite by that fact both his lands, and his goods, and the other forfeits but goods and cattels, and no lands. There is also another kind of homicide, not done by man, but by some casuall meanes, and that is called homicide by misaduenture or misfortune, by a Horse, or a Cart, or a bough of a tree, or such like: and in this case omne quod mouet cum eo quod occidit hominem deodand̄ est domino Regi, and it is forfeit to the Kings Amner vnlesse the King or his progenitors haue formerly graunted the same away to some Lord of a libertie, as they commonly doe, then if it happen to be within such libertie, it belongs to the Lord of the Libertie. But if any of these homicides fall out to be wilfull murder, which is a most bloodie & a crying sinne, and cannot be too seuerely punished, & therfore by the law the offēdor herein ought to lose both life,

life, lands, and goods, an eye for an eye, and a toth for a toth. And if manslaughter, if the offendor can reade well, then he may in fauour of life, by the kings mercy, haue the benefit of his Clergie, and so saue his life, but he shall lose and forfeit both his landes and goods, and yet the law of God not therein satisfied: The goods must be sound, appraised, and valued, of such offendors, and left in the Townelhip, or Village where such offendor dwelleth, by them safely to be kept, until the offendor be acquited, or conuicted by due course of law; in the meane time the offendor must be maintained with his goods, so as he may be kept aliue, to answer his fact, and what shall remaine when he is conuicted, those to whom such goods doe belong by the law must haue them, and not before, and thereof discharge the Townlhip or Village which had the custodie of such goods. And as for the offendors free land, if hee haue any, immediatly after conuiction the King must haue Annum, diem, & vastum therein, and after the Lord of whom it is holden shall haue it as an Escheate. And thus hauing discoursed at large of all these things incident to mine office for your instruction, I will make an end and trouble you no more at this time: and so you shall heare your euidence.

Then

Then if the Euidence be readie, they must be called and sworne thus:

THe euidence that you shall giue to this Enquest shall be the truth, the whole trueth, and nothing but the trueth, so helpe you God, and the contents of that books.

And if the euidence bee not readie, then you must appoint the Jury a day and a place to come to you, to receiue their euidence, and least they or any of them should faile to come to the place at the time appointed, you may bind them by recognisance in x.li. or xx.li. a peece, and in the meane time you may send your warrant for the witnesses to come before you to be examined, and to deliuer their knowledge concerning the matter in question, and be sure to take their examinations in writing vnder their handes, and if it be about the triall of any mans life, then you must bind ouer all the witnesses in xx.li. a peece at the least, to appeare at the next Assises then following, to deliuer their knowledge therein viua voce, if they shalbe thereunto required.

The forme of which Recognisance is thus:

South. Tertio die Oct. Ann' Reg. Ia. &c. xv. 1617. Iacobus S. de B. in com̃ predict. cognouit se debere

debere domino Rege xx.li.

Sub conditione.

That if the said I. S. doe personally appeare before the Kings maiesties Iustices of Assise and goale deliuery, at the next Assises to be holden at the castle of W. for the said county, & then and there deliuer and set forth his knowledge touching the death of A.B. & do not depart thence without licence of the said Court, That then this present Recognisance to be voide & of none effect, or else the same to stand, remaine, and continue in force strength and vertue.

Capt. & cogn. 3. die O. ann. 1617. pred. coram me I.W. gen. vno coron. dom. regis com. predict.

I. W.

This offence is the highest and greatest offence that a Coroner is to meddle withall by his office, and it is defined by Bracton to be Extranearum & notorum hominum occulta occisio manu hominum nequiter perpetrat' qui nullo sciente aut vidente sit fact. preter solum interfectorem & suos coadiutores adeo vt nullus statim insequatur clamor popularis &c. And so ye may see how that Englecherie id est quod Anglicas est, was presented in ancient time vntill the fourteenth yeare of Of wilfull murder.

E.3. At which time by a ſtatute made 14.E.3 c.4. the preſentment of Englecherie was wholly abrogated and annulled, the letter of which ſtatute is thus, viz.

Item, for that there are many miſchiefs happened in many countries in England, which knew not how to preſent Englecherie, for which cauſe the commons of the counties oftentimes were before the Juſtices in Eire amerced to the great grieuance of the people, It is therfore agreed that at no time hereafter any Juſtice of an Eyre ſhall put any article or oppoſition preſenting Englecherie to the Commons of the Counties, nor againſt any of them, But that for euer Englecherie and the preſentment thereof to be wholly omitted and made voyde; ſo that none for this cauſe be from henceforth to bee impeached: By the words of this Statute it appeareth that the preſentment of Englecherie was ſo diuers by the diuers cuſtomes of ſeuerall Countries, that the Countries knew not wel how to ſatisfie the Juſtices in the preſenting therof, but for the vndue preſenting thereof, they were often amerced and ſore grieued: And yet Bracton ſayeth, Quoniam in diuerſis comitatibus diuerſę præſentatur Englecheria inquirend' eſt in omni itinere ab initio quæ ſit conſuetudo eam præſentandi, Alſo he putteth therein his booke

many

many things which excuseth the country by the common law from that amerciament or paiment of lxvj. markes, for he saieth in this manner, Epensatur quandoque &c. And that that also was the common law appeareth in Britton fol. 15. which agreeth throughout with that which Bracton hath here written, the which commō law is changed as I haue said before by the said Statute made in the xiiij. yeare of E. 3. wherfore a man at this day may define murder in other manner then Bracton and Britton did, viz. It is murder when any man of malice prepensed killeth another feloniously, hauing no regard whether he kill him openly or secretly, or whether he be an Englishman or not, so that hee liue in the Realme vnder the Kings protection, and homicide that is done in such maner is called murder at this day; for the name of murder was not at any time changed, but the law retained the same continually, for the haynousnes of the crime, to put a difference betweene homicide by chauncemedley and murder: And therefore if a man be indicted of murder, at this day, a pardon of all felonies will not helpe him, and that is by the statute of 13. R. 2. ca. 1. the letter whereof you may see hereafter: And also the Statute of 1. Ed. 6. cap. 12. which ensueth, videlicet, Prouided also, and bee it enacted

by the authority aforesaid, that all wilfull killing by poysoning of any person or persons that at any time hereafter shalbe done, perpetrated, or committed, shal be adiudged, taken, and deemed wilfull murder of malice prepenced, and that the offendours therein, their ayders, abetters, procurers, and counsellers shall suffer death, and forfeit in euerie behalfe, as in other cases of wilful murder of malice prepensed.

Of manslaughter.

Manslaughter is where one killeth another hauing no malice prepensed so to do, yet it is felony, and hee shall lose his lands and goods, and his life tw, if he cannot reade wel, as is said before in the charge: The which thing if a mad man do, it is no felony in him, nor hee shall not be arraigned for it, when he is of good memory, as it appeareth in Fitzh. fo. 33. and 21. H. 7. tamen in the Eyres of Northhampton in 3. E. 3. It appeareth there that he sheuld purchase his pardon of course; And with that agreeth 26. lib. ass. And the same law which serueth for a man lunatike, serueth for a man that is deafe, and dumbe, as yee may find in the same plea. And if one of the age of xij. yeares or more, kill another that is felony: the same law is if he bee but nine yeares old at the time of the killing; so that it may bee perceiued that hee vnderstandeth good from euill, as by his excuse, or

by

by any act done since the killing, viz. in hiding the dead corps in any secret place to the intent it should not be found, and knowne, Quia in tali casu malitia supplebit ætatem, vt patet 3.H.7. & titulo coron.51. And there they respected execution of him to the intent they might procure his pardon: And Bract. said in those cases of Lunaticks, and of the infant, Quod alterum consilij inopia tuetur, Alterum facti imbecilitas excusat.

And if a Surgion or a Phisitian allowed, haue one in cure, which dyeth presently after, or within a short time after, that is no felony, for that hee did nothing feloniously: but if he killed him with Phisicke or Surgerie, it was done against his will, quod vide titulo Coronæ 163. & Britton fol.14. a Contr'.

Also if a man haue a Bull, a Beare, or a Dogge, which is accustomed to doe hurt, and his Master or Owner well knowing the same, yet doe not tye him vp, but suffereth him to goe at large, and being so at large, hee killeth a man, this is helde by Fitzherbert 311. to bee felony in the Owner of the beast, by reason of the sufferance; for thereby the Owner seemeth to haue a will to kill: And note that in auncient time, the will was so materiall, that the same was taken for the fact, vt patet titulo 1.E.3. where

one compassing the death of another, woundeth him so grieuously that hee leaueth him for dead, and afterward dyeth, and the man wounded reuiueth; And yet notwithstanding, it was thē adiudged to be felonie, in so much as the will appeareth to haue killed him, voluntas reputabitur pro facto. And with the same agreeth Bracton, who saieth in maleficijs spectatur voluntas, & non exitus, & nihil interest vtrum quis occidat an causam mortis probeat. But this law is not now in force, for hee must bee dead in deede before it be adiudged felony. And if a man hurt another with an intent to beate him, but not to kill him, yet notwithstanding if hee dye of such beating, it is felonie in him that so did beate him. Wherefore at this day a man may conuert that text to Bractons opinion, and say, Quod exitus in maleficijs spectatur & non voluntas duntaxat, as in the case next before &c. vide titulo memorato, where for the malicious wordes of a woman two men fought, and the one killed the other, the woman in this case was arraigned of the death of him that was slaine: The like case if three men go together to make a diffame, and one of these three doth kill a man, the other two in this case are taken to bee principall felons, and yet they did it not of any euill

will

will, but onely came in one companie together, quod vide titulo Fitzh. 350. So that many cases may be found vbi exitus spectatur, & non voluntas duntaxat, as before is said, wherefore to conclude, wee may say that the will vnles the fact insueth the same, maketh no offence, at this day, but in treason giuen by statute &c.

It is a generall opinion, and commonly agreed vpon, that if a man haue iudgement to be hanged, and commaundement gyuen to the Sherife to see execution done according to the iudgement, if the Sherife after of his owne authority do behead the prisoner which was appointed to bee hanged, then this is felony in the sherife, because the order of the iudgement is not obserued, in putting the prisoner to death: The same Lawe is, if one that is not the Sherife will kill a prisoner as he is going to the gallowes to be hanged, of his owne head, and authoritie, qd vide 35. H. 6. And for this felonie the wife of the prisoner may haue an appeale against him that killed her husband: But Scrope is of opinion, that it shall be otherwise, if hee that is killed be attainted by outlawry, as it appeareth 2. E. 3. where hee that is indicted alledgeth that he for whose death hee is indicted was and is outlawed of felony, Scrope, It may bee that that outlawry is reuersed,

or that he had his charter of pardon, wherefore thereof he must make search, and send into the chancerie to vnderstand there, if hee had a charter of pardon, & in the meane time he shalbe let to baile till a certaine day that the truth bee knowne: And hee said further that if he found that the outlary was not reuersed, nor that ỹ prisoner had not any charter of pardon, that then the def. shal not aunswere any further but bee discharged of the indictment: Also it seemeth to bee lawfull for any to kill a man attainted in a Præmunire, by the Statute of 25. Edw. 3. c. 21. de producionibus, willeth that a man may doe against them as against the Kings enemies without any impeachment &c.

Of homicide one by necessitie inevitable iustifiable.

A Sherifes Bailife, or any other Officer, that hath warrant to arrest any man that is indicted for felony, may iustifie the killing of him, if hee will not suffer himselfe to bee arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case the Officer shall bee discharged without suing forth of his pardon of course, vt patet, 22. lib. Ass. & 22. E. 3. where Thorpe sayth, that any man may take and arrest a theefe, and if hee will not yeeld, but stand in defence of himselfe, or else flye, in such case hee may kill him without blame, ergo he ỹ hath

no

no warrant aſwell as hee that hath a warrant, by this authoritie may kill and iuſtifie. And there he reſteth, that where a Gaoler came to the Gaole with a Lanterne in his hand, to ſee his priſoners, which had broken their yrons; and ſtanding all readie to haue killed him, they beate him, and wounded him very ſore, but killed him not: and he hauing a Hatchet in his hand, therewith he killed three of the priſoners, and being called in queſtion for it, was diſcharged thereof, for it was adiudged by all the Councell that the Gaoler had done well &c. And therefore note yee, as a man may iuſtifie the killing of a man before an arreſt, euen ſo he may iuſtifie the ſame after an arreſt, ſo that the ſame doe ariſe vpon an ineuitable neceſſitie, as before is ſaid. And therefore one is arreſted of felonie, and as he is carrying to the Gaole, he maketh debate and flyeth, and the other in ſuch ſort purſueth him, that he cannot take him againe without killing of him: this maner of killing is iuſtifiable, quod vide 3. E. 3. &c. And the caſe is there, That a man did flie to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did purſue him and killed him, for that he would not yelde himſelfe, and it was allowed as well done, tamen eodem titulo 3. Edw. 3. Lowth doth

doubt

doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although hee was indicted thereof; and nothing like the case where one is pursued vpon a robberie done, and the theefe killed. But by the booke aforesaid it appeareth that such killing is not felonie, nor that any thing shall be forfeit for the same, nor that any pardon is needfull, sed vide ibidē fo. 344. that in that case it is finable, and a fine of fortie shillings was paid for the same; sed quer whether the same was for the killing, or for the escape. And note, that if he which killeth another by reason of any matter ineuitable vt supra to be found before him by reason of anie iurisdiction that he hath to enquire of felonies, he shall not be discharged vpon such indictment found, vntill such time as he be arraigned vpon the same, and the matter also found by verdict, vt patet eiusdem titulo, for that he himselfe was Judge thereof. Otherwise it is if the finding of the same be before other Commissioners, vide le Statute de malefactoribus in Parcis, made the one and twentieth yeare of E. 1. which giueth power to Forresters, Parkers, and Warreners to kill the offendors if they will not be iustified &c.

As for example: Many doe come to burne my house, my selfe being within the same, and

and they compasse about the house, but they burne it not; and I shoote out of the same house and kill one of them, this is not felony, vr pater 26. libr Ass. The same law is if they come to my house and robbe me, and my boy or my man that is with me in my house killeth one of them, quod vide in Fitzh. titulo Coron. 3. E. 3. per Lowth & ibidem pag. 505. where it was presented that a man had killed another in his owne house defending himselfe, and it was demanded of those that made the presentment if hee that was so slaine did come to robbe him, for in that case one man might kill another, though that it be not in defence of himselfe, &c. And in all such like cases a man shall goe quit without any forfeiture, or without expecting the Kings grace, in that my house is vnto me as my Castle, out of which the Law will not constraine me to flye, &c. The same Law is if one come vnto me when I am out of my house, and will robbe me, wherefore I kill him: for in 26. libr Assis. the case was that a theefe assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed that the man should be discharged and quit without pardon. And note well this latter booke, for that maketh expresse mention that he shall goe quit without pardon; but the other bookes speake

Homicide in defending of a mans house & his goods against theeues, lawfull and iustifiable for the vrgent necessitie thereof.

speake nothing neyther of pardon, nor yet of the forfeiture: wherfore it may be doubtfull to some, whether he shall forfeit his goods, & whether it shall be needfull to haue a pardon or not; and therfore to take away all doubts a statute was made Anñ 24. H. 8. the letter whereof is this, Forasmuch as it hath bene in question & ambiguity, that if any euill disposed person or persons doe attempt feloniously to robbe or murder: and so see the Statute at large, that it is lawfull to kill him.

How necessity shall be interpreted in homicide in defence of ones selfe.

Note, that the necessitie ought to be so great, that it ought to be estéemed not auoidable, or otherwise he shall not be excused, for in this case ye haue not to do with, as in the case before, but with a iust man. And whether the person that so is killed, or the person that doth kill, doth begin the affray it is not material, but the whole matter consisteth in ỹ necessity inuitable, without which ỹ killing by any meanes is not excusable: wherfore to make a definition of homicide done in a mans owne defence, we must say that properly it is when A. doth make an affray vpon B. and hurteth him, and A. flieth as much as he can for safeguard of his life, so that he is come to a strait, beyond the which he cannot flye; and A. continueth, whereby B. hurteth and killeth him: this is called homicide in a mans own defence. For if B. might

haue

haue auoided the same and did not, but when A. had hurt him, he then had hurt A. againe euen to death, then was it manslaughter, and so felony in B. vt patet in Fitz. 226. But when A. hurteth B. B. hurteth him againe but not deadly, and afterward B. flyeth, vt supra, and A. pursueth him till that he commeth into a strait vt supra, and then B. doth kill him, that is not felony, but in his owne defence. And so ye may note, that although B. gaue to A. diuers wounds, that is not material, because he flieth from him as much as he can before hee giues to A. the deadly wound. And that ye may see en les Eires of Northampt & c. 3. E. 3. And Bracton hath a case for the confirmation of this Law, Iure euenit vt quod quis obtutellam sui corporis fecerit iure id fecisse existimatur. And note, that it appeareth before in 43. libr Ass. before noted. And it is not a sufficient verdict to say that the prisoner killed another in his owne defence, but they ought to shew the matter, especially in what manner it was done. And although that it be specially found vpon the indictment, yet notwithstanding he shall not thereby be discharged vntill he haue purchased a Charter of pardon for the same, the which is a confession by amplification of the indictment, or else otherwise wholly to estrange himselfe from the

the fact, and to pleade not guilty, and so to be found. And this is so done to the intent to induce the forfeiture of his goods, being forfeit by the same offence, vt patet 4. H. 7. And where the Statute of Glouc. cap. 9. saith that he ought to put himselfe vpon an Enquest de bono & malo, that is to be vnderstood when he is indicted of murder or homicide, and not where in the indictment the speciall matter is found; for to such an indictmēt of murder or homicide, it ought to be pleaded not guilty: for to pleade ỳ special matter, viz. that he killed him in his own defence, it is no plea, in ỳ it should be as a iustification, whereas such kind of homicide is not in any maner iustifiable, wherefore he ought to pleade not guiltie, and then that speciall matter found by verdict shall giue him aduantage &c. Contrariwise it is in trespasse, for there the party shall not take aduantage of a iustification found by verdict, if it be not pleaded by the party. And so note, that he shall not be discharged of this speciall matter, till such time as he hath purchased his pardon, or else be acquited thereof by verdict: and then his discharge shall be in this manner, viz if he require to purchase his pardon, he shall first be letten to mainprize, and then he shal sue forth his writ of Certiorare directed to the Iudges of Assise, before whom the indictment lyeth,

to

to certifie the Record to the Chauncelor of England, who will make him a Charter of pardon in such a case of course, without speaking to the King for the same. And yet the Statute of Glouc. saith, that the Justices ought to make the King priuie of the same, and that the King therein should shew him grace if it so pleased him: but the making of the King priuie thereof is to be vnderstood the Certificate of the same made to him in his Chauncery is sufficient, for that in Law he is alwayes said to be there present &c. And for these matters vid. ut 44.E.3.15.E.3.15.& 3.E.3. where it is said, that whē a man is acquited before the Judges of Assise, of ỹ death of a man in his owne defence, he shall haue a writ from the chiefe Justice, within which shall be contayned the whole Record of his acquitall, to the Chauncellor, who wil make his Charter of pardon without speaking to the King &c. And note ye, that before in the Eyres of Northampton, the Jurie did finde that he fledde for the felony, for which cause hee shall forfeit his goods, quasi diceret that hee should not forfeyt his goods vnlesse such a flying away had bene found; but the Lawe is not so as it appeareth. 44. & 15.Ed.3. & 1. Hen.7. before noted, wherefore wee are to thinke, that the enquirie of a flying was surplusage and voyde, &c.

And

And consider well the words of the Statute of Glocest. which be these: It is ordered and agreed, that hereafter no writ shall issue out of the Chancery to enquire for the death of a man, if a man hath killed another by misaduenture, or in his owne defence, or in any other maner without felonie, but he shall be imprisoned vntill the comming of the Iustices of Gaole deliuerie, if hee cannot finde pledges for his apparance before them, and then he shall put himselfe to his triall by the countrie de bono & malo, And if it be found by the Country that he did the same in his owne defence, or by misaduenture, then the Iustices of Assise are to certifie ỹ king thereof into his Chancerie, and from thence hee shall haue his pardon of the Kings grace. This Stat. maketh mention of Iustices errant, & of Iustices of Gaole deliuery: wherfore it seemeth that if any be indicted before them, that he killed one in his own defence, that that indictment is as good as if the same had beene found before the Coroner, vpon the view of the dead bodie, otherwise it is if such indictment be found before Iustices of P. for ỹ they haue not any authoritie to take any such indictmẽt. And note, ỹ it appeareth 44. E. 3. before cited, ỹ there is one case where one shall be killed by chancemedley, & yet he that killeth him shall not forfeit any thing:

As

As if A. striketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying vpon the ground draweth his owne knife, and A. is so hasty to kill B. that he choppeth himselfe vpon the knife which B. had in his hand, and so A. was slaine, And it was adiudged in this case, that the said B. was not culpable of the death of A. nor shall forfeit his goods, because A. in a manner killed himselfe &c. And as it is in the Eires of North. before pag. 286. and 297. there is a case not much vnlike to this case, which hath a contrary iudgement, and yet if collation betweene them bee made, yee shall finde that they are not both alike, for there he did not lye vpon the ground, but stood vpon his feet, insomuch that he might haue made other defence for ỹ sauing of his life thẽ ỹ other could that did lye vpon the ground, And the case there was this, viz. A. did strike B. and B. did flye till that he came to a straight, as it is aforesaid, and then B. perceiuing that A. would kill him, did hould a pitchforke betweene him and A. and A. was so fearce that he ran vpon the pitchforke, and so was slain: and yet notwithstanding this matter, B. was put to purchase his Pardon of course, and besides forfeited his goods &c.

Homicide by misaduenture or misfortune.

And that is if a man without any euill intent cast a stone or shoote an arrow whereby

one is hurt vnawares and slain, going to the market or about any other necessary & lawful busines this maner of killing is homicide by misaduenture, for ỹ which ỹ offendor shal haue his pardon of course in ỹ like sort as before in the case where a man shall haue it for killing of a man in his own defence. And that is by the said Statute of Gloc. vt pat 3. E. 3. and he shall forfeit his goods, as before in the case of killing a man in his owne defence, vide the Statute of Marlebridge cap. 15. that saith, Murdrum de cetero non adiudicetur corum Iusticiar vbi infortunum tantum modo adiudicat est, sed locum habeat murdrū de interfectis per feloniam tantum & non alit. By which Statute it appeareth, that misaduenture by the common Law was adiudged for Murder, But that ought to be with a distinction which Bracton hereafter hath made, That is to say, where one hath done a thing lawfull, and where not, for if he hath done an vnlawfull thing, and if any misaduenture doe thereof insue, whereby any one is slaine, that is Felony at this day, if it be not Murder, And therefore if A. strike B. and C. comes betweene them to part them, and is deadly wounded by the said A. or B. without any euill intent, yet notwithstanding if C. vpon that hurt do dye within a yeere and a day next after such hurt

giuen,

giuen, it is felony in him which hurt T. and not a misaduenture, for that the fact which A. & B. did was vnlawfull, vt patet tit Coron 22.lib.Assis. And if A. & B. did intend one to kill the other, then is it felony in them both, vt pat 22.E.3. And note that the same order is to be obserued in pleading, the verdict, forfeiture, and pardon of one that killeth any by misaduenture as is aforesaid, to be of one that killeth an other in his own defence, and the said Statute of Gloc. extendeth as well to the one as to the other.

Bracton defineth felo de se in this maner, viz. eodē modo sicut potest quis feloniā facere interficiendē aliū, ita feloniam facere potest interficiend seipsum, feloniā quidē facit de seipso q̄ reus alicui⁹ crimiñ capt sit pro eod, vepote pro morte hominis vel cum furto manifesto, vel quod vtlagat sit vel in aliquo scelere vel malificijs deprehensus & motu penæ imminentis mortem sibi conseuerit, heredem non habebit qui sic conuincetur felonia prius fact, viz. furtum, mors hominis vel huiusmodi, & conscientia metus in reo ꝓ confessio habet, Agreeing to Bracton, yet shall see the booke tit Coron in Fitz. 259. where a felon of himselfe shall forfeit his lands, But whether hee had before hee killed himselfe committed felony or not appeareth not by the booke Ideo quere if this distinction that Bracton

Homicide called *Felo de se*.

hath made, be Law at this day, for it appeareth in diuers other bookes, that a felo de se shall forfeit his goods onely, and no lands, as pa. 301. 362. 420. tit. iam dicto, and there also it appeareth, pag. 324. That if one that is franticke from day to day, doe kill himselfe, that such a man shall forfeit no goods or chattels, but otherwise it is if he be not franticke from day to day, but onely at some times, Also there pag. 244. was presented, quod quidam lunaticus percussit seipsum cultello suo & postea recuperauit de infirmitate sua & habuit iura ecclesiastica & obijt ratione plagę quā accepit. Catall' eius nō fuerūt forisfact, the contrary whereof ye shall find pag. 412. But the Law is cléere, that if a man which is of good memory, committeth the same fact in such manner and afterward recouereth, and yet notwithstanding dyeth of the same plage that he gaue to himselfe, he in that case shall forfeit his goods, vide ibidem the case pag. 94. that was before remembred, That is to say, where A. striketh B. to the ground, and thereupon A. plucketh out his knife to kill B. and B. lying vpon the ground plucketh out his knife, and A. is so hasty to kill B. that he choppeth himselfe vpon the knife of B. and so is slaine, in this case A. is a felon of himselfe, and that case agréeth with Bracton heretofore.

Deodand

Deodand eſt where any perſon commeth to his death by miſaduenture of any thing that ſhall fall vpon him, or by miſaduenture of a fall that he taketh from a cart or a horſe, or any other thing, the ſame not being occaſioned by any other perſon, that thing that ſo occaſioneth the death, ſhall be forfeited, and taken as a deodand to be diſtributed in almes, for the benefit of the ſoule of the dead perſon, And note that it is not materiall whether the thing that killeth him be moouing at the time that he was killed or not, for although that it be not mouing, yet notwithſtanding it ſhall be called a deodand as well as that which was there mouing, as it ſhall be hereafter expreſſed, And therefore when you ſpeake of a thing mouing, that is onely to this intent, viz. That all things mouing with the thing which is the occaſion of the death, ſhall be forfeited, as well for a deodand, as the principall thing, quod vide titulo Fitz. 403. vbi dicitur quod omne quod mouit cum eo quod occidit hominem deodand eſt domino Regi vel feodo Clericum, and therefore ye ſhall find ibidem pag. 398. where a man did cut downe a tree the which did fall vpon the bough of an other tree, which bow did fall vpon a man and killed him and was adiudged that as well the tree as the bow ſhould be a deodand, And

Homicide not committed by man, but by ſome caſualtie whereof commeth deodans.

the ſame Law is, where a man doth ride vpon a cart, and the cart falleth vpon him and killeth him, here as well the horſes which drew the cart, as the cart it ſelfe, ſhall be deodans, vt patet ibidem pag. 388. and ye ſhall find, pag. 397. That a man being vpon a cart loaden with fagottes, & ligando eam cecidit motione vnius equi in eadem carma exiſtens per quod obijt, and the horſes and the cart were adiudged for deodans. Alſo pag. 405. A beame on which did hange a bell, did fall vpon a man and killed him, the bell as well as the beame were adiudged for deodans, non obſtante quod fuerunt bona eccleſiæ, ſed tamen de gratia & honore eccleſiæ capitalis Iuſtic' redonauit, Et pag. 326. A man falleth out of a cart loaded with hey, and the wheele of the cart doth breake his legges, whereof he dyeth, & the hey was adiudged to be a deodand as well as the cart, tamen pag. 342. A man falleth out of a cart, and breaketh his necke, as he was loading of it with ſtraw, by the mouing of the horſe, the horſe and the cart were all adiudged deodans, and not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death, quere differentiam &c. Et pag. 401. quidam equitando equum ſuum, ſe ſubmerſit equus adiudicat deodand &c. Hitherto wee haue ſpoken of things mouing, which doe cauſe

cause deodans, Now let vs speake of things not mouing, and yet shall be deodans, Vide titulo iam dicto pag. 409. Where a carter clyming vpon one of the wheeles of his carte to gather plumes, and falleth from the carte whereby he dyeth, Et quia testatum est quod nec equi nec carecta mouebant se, ideo tantum rota deodand est domino Regi &c. The same Law is, where a man doth fall into a pond of water, which water carrieth him vnder the vtter wheele of a Mill, by which wheele he was oppressed and killed, and the wheele onely in this case was adiudged a deodand, vt patet ibidem pag. 389. Vide ibidem pag. 348. where it was said, if a man fall from a loade which is worth a C. pound, by the which he receiueth his death, all the same shall be a deodand. And also it appeareth by those cases, that deodans shall be as well of things that moue vnder a man and kill him, as of thinges which doe not moue, but the man all moueth him selfe from them, And note, that before it is saide, that all thinges moueing with the thing which is the occasion of the death, shall bee forfeited. So in like maner, all things not moueing with the thing which is the occasion of the death shall not be forfeited, as is part

you may perceaue by the case of the cart and straw before cyted, Et titulo Forfeitures in Fitz. 12. R. 2. wherein quędam massa terrę cecidit super hominem & ipsum oppressit in such sort that he dyed, and it was adiudged that the said massa terrę onely should be forfeited, and not the hole or pit where he was killed, The same Law is where a man falleth from his horse, and quatheth his head against a blocke, whereof he dyeth, the horse onely shall be adiudged for a deodand, and not the blocke, in that it moued not at all, quod vide ibidem pag. 341. And also Britton tit. Coron fol. 6. saith that if a man fall out of a ship sayling, nothing is the occasion of his death but onely the shippe, and yet the things mouing may be said to be the cause of his death, the merchandise lying at the bottome is not any cause of his death. This ship so sayling ought to be vpon the fresh water &c. for if it should be on the sault water, it seemeth that it should not be a deodand, as it appeareth by Bracton titulo Murder, who saith there in this manner, non deodand est nauis nec battellus nec alia catalla aqui submerci sunt in mare nec in salsa nec wrecum erit cum sit qui catall' a diceret & dicere possit, Et nota, that it seemeth to one by the books before pag. 389. that if he dye by misaduentures, and be within the age of fouretęns

yęres

yéeres that then nothing shall be forfeit for a deodand, for there presentment was that A. filius B. vltra xiiij. annos &c. tamen quere & vide Fitz. titulo de Indictaments pag. 27. That where a man was found dead in the field, Belknap said that his appeale should be giuen to the Church to pray for his soule, and should not be taken for a deodand, And note that euery deodand the Sheriffe shall answer viz. he shall be charged to leuy the price thereof of the village notwithstanding the thing was not deliuered to them to keepe before, quod minum vt parat ibidem pag. 298. And therefore when such a misaduenture is found, the presenters should finde appreale, and value the deodand, and the Coroner should returne the same in his Inquisition, and in whose custody the same remaines, so then the King may know by that Record, of whom to demand it by Processe out of the Crowne office.

What things are requisit to make homicide.

It is requisit that the thing that is killed be in rerum natura, And therefore if a man do kill an infant in the mothers belly, that is not felony, nor he shall not forfeit any thing for it, and that for two causes, one is, for that the thing that is killed had not the name of baptisme, the other is, for that it is hard and difficult to iudge whether he killed it or no, That is to say, whether the infant dyed of the

the beating of the mother, or by any other occasion, vt patet titulo Corone &c. pag. 263 & vide there pag. 146. A more strange case, videlicet, A man did beate a woman great with child of two children, so that immediately one of the infants dyed, and the other was borne aliue and baptized by a name, and two dayes after, for the hurt that shee had receiued shee dyed, the opinion was as before, that it was not felony in the man, Et vide the same case in Fitz. titulo Indictments pag. 4. But it seemeth, that the reason where it hath no name of baptisme, is not of any force, for yee may see titulo Corone before pag. 418. that it was presented quod quedam mulier eundo versus cappellam peperit filium & statim abstiduit gulam & proiecit in stagnum & fugit, ideò exigatur & vtlagetur, for that was Homicide, in that the thing killed was in rerum natura before it was killed, and so nothing like the case before, scilicet, where the infant was killed in the mothers belly &c. the which case Bracton affirmeth for Law, in his diuision of Homicide before, saying in this manner, Si sit aliquis qui mulierem pregnantem precusserit vel ei venenum dederit per quod fecerit abortiuum si puerperium iam formatum vel animatum fuc & maxime si animatum, fac homicidium, but contrary to this seemeth

the Lawe as before. Item, it is requisit to Homicide that if one beate an other whereof hee dyeth, that that death be within twelue monethes and a day next ensuing the same beating, vt patet pag. 303. The same Law is, if poyson be giuen to one feloniously that he dye within the yere next after &c.

It is a common erudicion amongest vs, That if a Statute Lawe gius a remedie for any offence, wee may vnderstand thereby, that before there was no remedy for the same offence at the Common Lawe, other then is not expressed in the saide Statute, except we haue read any thing that may induce vs to beleeue the contrarie. The Statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. the King defendeth that none shall rauish nor take by force a maide within the age of eleuen yeeres with her consent, or without her consent, nor any dame or maide of age, nor other woman against their willes, and if any so do, the King shall do him common right, and if none commence the suit within fourty daies, then the King may sue, and those that he shall find culpable shall haue two yeres imprisonment, and after shall be arrayned at the

Of Rape.

the Kings pleasure, and if he be not arrained he shall be punished by more longer imprisonment, according to the quality of the trespasse, The Readers of this Statute if they haue not read Glanuill and Bracton do think that by the common law rape was but trespasse, where in trueth it was felony, or other more grieuous crime, and first Bracton in his second booke of Rape saith in this manner, Raptus virginum est quoddam crimen quod femina imponit alicui de quo die esse violenter oppressam contra pacem domini Regis, quod quidem crimen si committat, sequitur pena scilicet amissio membrorum vt sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit & pro corruptor punientur eo quo dilinquit &c. Here I haue expounded that which was the Common Law in Rape before the Statute of West. 1. wherewith Glanuill agréeth fol. 113. Also I find amongst the Lawes of S^t. Edwin once King of this Realm, this Law, qui cũ nunna vel sanctimonialis fornicetur, emendetur sicut homicidia, By the which it appeareth, that he that hath committed but fornication with a Nun, or with a holy woman, he should be punished as an Homicide, A multo forciori then should he be punished if he had rauished. So that Rape at the beginning was much detested, and abhorred, and very great and

grieuous

grieuous punishment adioyned thereunto, till the time of King E. 1. who seemeth by his Law made at Westm 1. to haue mittigated the paine of the same, and afterward espying the great enormities that ensued the same Law, At his next Parliament holden at Westminster called Westm 2. cap. 34. did make the same offence of Rape to be felony, The words of which Statute be these, It is enacted, that if a man doth rauish a woman espoused, a damosell, or any other woman hereafter, whereunto she neither hath assented before nor after, he shall haue iudgement of life and members, And in like manner, where a man shall rauish a woman, dame espoused, damosell, or any other woman by force, although she assent to the same afterwards, he shall haue the like iudgement as before is said, so that he be attainted at the Kings suit, and in that case the King shall haue his suit.

The Statute maketh no diffinition of Rape, but leaueth the same to the common Law, Also it seemeth to make a difference betweene rauishment with force, and rauishment without force, And therefore quere what manner of fact he intendeth, Britton saith fol. 45. that if the woman at the time of the Rape conceiueth with child by the rauisher, that it is no Rape, for that, that no

woman

woman can conceiue if she assent not thereunto. Also Bracton saith, That it is a good plea in an Appeale of Rape, to say, that before the time of the rauishment supposed to be done, he held and vsed the plaintife as his concubine. Also it is a good plea for him to say, that though he did lye with her, yet he knew her not carnally, for that is the force of a declaration in an Appeale of Rape. And also note, that if a man be to be charged with Rape by way of Indictment, or otherwise, he ought to be charged expressly by this word Rapuit, and not by any other words, though they amount to as much as this word Rapuit doth, vt puta carnaliter cognouit & huiusmodi, as it appeareth 19.E.4.fol.27. Also there is an other Statute concerning Rape, made Anno 6.E.2. the which doth put great penalties and forfeitures vpon the woman which consenteth to the rauisher after the rauishment, and yet neuertheless doth giue an Appeale of Rape to the husband of the wife that is rauished, and if she haue no husband, then to her father or to her next of her blood, and that the defendant shall not gage battell in such Appeales.

Of treasure troue.

Bracton saith of treasuer found in this manner, Est inter cetera grauis presumptio contra Regem dignitatem & Coronam suam quæ quidem est quasi crimen furti, scilicet, frau-

fraudulent occultatio inuenti Thesauri &c. Note, that Bracton saith here, that the hiding of treasuer found is grauis presumptio, So that it seemeth, that in auncient time it was doubtfull whether it was felony or not, And therefore it is said, titulo Coron in Fitz. 187. the punishment of treasure found is taken away and is now by imprisonment and fine, and not of life and members &c.

Et ibidem eodem titulo pag. 446. apparet quod thesaurus non competit Regi nisi quando nemo sit quis abscondit thesaurum, &c. So that if it be known to whom the property is, then the king shall not haue it, but hee to whom the property thereof belongeth, and it seemeth that if he dye before the finding, that his executor shall haue the same. Et vide ibidem quod thesaurus competit domino Regi & non domino libertatis si non sit per verba specialia or by prescription. Britton in his booke fol. 26. saith, that treasure found in the sea, or vpon the land, and not in the earth, apperteyneth to the finder, and not to the King &c. Also he saith, that when a man hath found it, hee ought presently to let the Coroner or Coroners of that Countie vnderstand thereof, or else the Bailife and the Coroner without delay ought to inquire if any thing thereof be purloyned away.

Note

Of a mayme. Note, that Britton saith, that Mayhem is properly said where any member of a man is taken away, whereby he is the more vnable to fight, as if the eye, the hand, the foote, or by bruising of the head, or knocking out of the foretæth, but cutting off the eare or nose is no Mayme, but a blemish of the body Seton Justice said 29. E. 3. that euery finger of the hand shall be said to be a Mayhem, if it be cutte off, Item 8. H. 4. ye may see there that it is no Mayhem to cutte off auriculam hominis, by the which he loseth his hearing, but the knocking out of the tæth is a Mayhem, for that with them he may defend himselfe in battell, And Bracton agræth therewith, for he saith in this maner, Mahim dicipotest vbi quis in aliqua parte sui corporis efficitur mutilatus ad pugnand per illū quem appellat &c.

Note, that these places and territories here expressed and declared, are allowed for sanctuaries for felons, if they can get to them before they be taken, viz. Wells in the county of Somerset, Westminster, Manchester, Northampton, Norwich, Yorke, Darby, and Launceston, for all such felons as may haue the benefit of their Clergy, by the Lawes of this Realme, and for none else, for Treasons, Rapes, Burgelaries, Robberies, by the high way, or in a house where any ar-

put

put in feare: burning of houſes or barnes wherein corne is laide: robberies of Churches, Chappels, or other hallowed places: ſtealing of Horſes, or Mares, and murder, with their abbettors, procurers, and counſellors. All theſe offences are excepted by the Statutes of 26. H.8. cap. 13. & 32. cap. 12. H.6.

A Sanctuarie is a priuiledged place, appoynted by the King our Soueraign, for the ſafeguard of the life of man, which hath offended the Law: and it is grounded vpon the Law of mercie, for the great reuerence, honour, and deuotion which the King hath, and beareth to the place to which he graunteth ſuch priuiledge; which in times paſt was ſo greatly had in reuerence and honour, that offendors in caſe of Treaſon, murder, rape, and all other offences whatſoeuer had the priuiledge thereof. Polidor Virgil in his booke intituled de inuencione rerum, lib. 3. cap. 12. writeth againſt this ordinance, vouching Moyſes his Law for his warrant, and ſaith, that he allowed Sanctuarie for a man onely in this caſe, where one killed another by chauncemedley, not hauing any malice forethought to doe the ſame. For in Exodus cap. 21. it is written thus, Si quis per induſtriam occiderit proximum ſuum & per inſidias ab altari meo auell' eum vt moriatur. And

What a Sanctuarie is.

therefore it is held that the Kings of this Realme haue rather imitated the Lawes of Romulus, then of Moyses, in graunting such large priuiledge to malefactors: for it was ordeyned by Romulus, that euery one which fledde to the Sanctuarie in Rome, should be discharged of all manner of crymes; which was vsed here in England before the making of the said Statutes of 26.H.8. and 32. of the same King, &c.

Of principall & accessarie.

Note, that in high treason there is no accessarie, but all are principals vt patet 3.H.7 fo.9. So that what offence soeuer maketh a man accessarie in felony, the same offence in high treason maketh him principall, therfore it is to be séene who shall be accessaries in petite Treason, or in Felony, or in other like crimes, in which accessaries may be.

Of accessaries before the offence committed.

Note, that if one procure or commaund another to doe a felony, but is not present there when the other doth the same: This procurer or commander is but accessarie before the felony done, vt patet 7.H.4.f.30. but otherwise it is if he be present at the time and place, when and where the felonie is committed, for in that case he is a principall, vt patet 7.H.4.fo.13.

The same Law is, if a man be present at the death of a man, and he moueth and setteth on others to wound him and kill him, in this

this case he is as farre forth a principall as he that killed him, quod vide 13.H.7.

The same Law is, if he were present, and cõmeth thither for the same purpose, though that at the same time he moueth not the other to strike him, or kill him, nor doth any thing himselfe, yet hee shall be iudged as a principall, vt patet 21. E. 4. Also vide titulo Coroñ in Fitz. fo. 309. where it was found that one that was present, yet did nothing, but would haue ayded his companion if the dead person had made any resistance, and for that he was adiudged a principall. And according to this, vide ibm pag. 314. 350. & 433. that all those that come in company in any place, or any assembly where any euill is done, be it homicide, robberie, or any other trespasse, they all shall be accounted as principall doers, though that they doe no hurt at all. And therefore a man was condemned in that he was a disseisor where a man was killed, and it was said by twelue that hee came not thither to doe any euill. And note, that as it was of homicide, or murder, euen so it is of any other felonie, as of rape or robberie, quod vide titul' Coroñ in Fitz. 228. & 11.H.4. where in an appeale of rape against two as principals, whereas one did not the acte, but assisted and ayded his companion to doe the same, & titulo Coroñ in Fitz. fo. 350.

& 314. where only one did the robberie, and the others were in his company, and came with him for the same purpose &c. But if one dos chance to be present when another is slaine, or when another felony is committed, and commeth not in the companie of the felons, nor is of their confederacie, although he withstand not, or disturbeth not the felon, nor leuyeth hue and cry, yet he shall not be said eyther principall or accessarie: for it is not felony in him, but fineable as a trespasse. And if such a man be within age, he shal haue no punishment, quod vide titul Coron 395. & 14.H.7.fo.33.& vide titulo prædict' 293. where such a man that was of full age was but amerced in such a case &c. Tamen 314. ibidem, it appeareth that such sufferance is felonie, and so was the opinion of Sharde 197. but it is against the Lawe, as it appeareth in the bookes before cited &c.

Also if A. held B. in his armes till such time as C. killeth him, A. for that cause is principall, vt patet 15.Edw.3. And note yee, that ỹ law at this day as concerning accessaries, is as you haue heard before, though that in auncient time some Iudges did varie in their opinions for Lawe, in that point: for it appeareth titulo Corone in Fitzh.90.& 216. that in the fortieth yeare of Edward the third they toke the Lawe to

be,

be, That hee that was present when anie was slaine, and ayding and commaunding the killer, should not bee principall but accessarie &c. And in that they did agree with Bracton, who sayeth in this manner, Si omnes præsentes sunt etiam de forcia quam de facto, &c. And after the Attainder of the principall fact hee goeth to those that be appealed of force, and maketh the appeale in this manner, videlicet, A. appellat B. de fortia quod cum ipse A. & C. frater suus essent in tali loco &c. Also hee saith in another place, that if two be appealed as accessaries to a third person, scilicet, one of force and the other of commandemet, they shall wage battell, before hee shall that is appealed of commaundement, Quia fortia quodamodo in se Attinet factum id quod non facit præceptum. And so by him he that is present when one is killed, and being councelling, ayding, or in any other manner he be, so that hee slayeth him not himselfe, he is then but accessarie, &c. And with him agreeth the Statutes called Officium Coron, made the third yeare of King Edward the first, and Westminster the first: but the Lawe is not so at this day; and yet the account in euerie Appeale against the principall is, that euerie one principally did helpe, and did

ſtrike the party ſlaine deadly : but to that may be ſaid, that thoſe words be but words of forme, and alſo it is his helpe in Law, &c. If I commaund one to take another, and he goeth from me and taketh him and robbeth him : if I be abſent when he doeth the ſame, that is not felony in me, vt patet titulo Corone in Fitz. for that hee exceedeth my commaundement, and my commaundement might haue beene performed without robberie &c.

But if I commaund one to beate another, and thereupon he beateth him to death, that ſhall be felony in me that commaundeth, vt patet ibm 314. for it is difficult and hard to beate a man in ſuch ſort that it ſhall be ſaid he ſhall not die of ſuch beating &c. therefore in ſuch caſe I am acceſſarie to him that killeth him, by reaſon that it was done vpon my commandement &c.

Acceſſaries after the offence committed.

That is where one receiueth a felon, well knowing of the felonie that he hath committed, or fauoureth him, or aydeth him, he thereby ſhall be ſaid to be an acceſſarie after the fact. But diſtinguend eſt of this ayd or counſell : for if hee aide him with his good word, and ſueth for his deliuerie, or ſendeth letters for his deliuerance, that maketh him not to be acceſſarie to the felonie, vt patet titulo Coron in Fitz. pag. 195. &c. May, this definition

is

is to be made of an accessarie, it extendeth onely to those that be accessaries to a principall attainted, for if after the attainder one receiueth and aydeth him, That is after he be conuicted of the felony by verdict, outlarie or confession, he semeth to be an accessarie though that he knew not him to be a felon, in that he is a felon by matter of Record, of the which euerie stranger is driuen to take Cognisance, tamen quære: for ye shall finde titulo prædict' pag. 377. one note, which is thus, scil. Note yee, that when a man is indicted for the receiuing of a man outlawed for felonie in the same Countie, then he shall lose both life & members, Secas esset in alio com &c. Ergo thereof ensueth, that if one be outlawed for felonie in one Countie, and another receiueth him in another Countie, hee shall not be accessarie, for that he cannot take Cognisance of that which was done in another Countie, though that it be matter of Record, &c. And agreeable to this note, I finde in Bracton written thus, Si quis talem post vtlagacionem scienter pauerit, vel cum eo conuictauerit receptauerit aliquomodo vel iam occultauerit eadem pœna puniri debet qua puniretur vtlagatus &c. So that it semeth hee maketh no difference betweene matter in fact and matter of Record &c. in that he maketh Scienter materiall

riall in the case &c. And note yée, that by the Common Lawe, if one commit felonie in one Countie, and before his attainder one other receiueth him feloniously in another Countie; that was not felonie in the receiuer for default of tryall, in that those of the Countie where the accessarie offended could not haue Cognisance of the principall offence committed in another Countie, quod vide titulo Corone pag. 33. & 43. Ed. 3. Wherefore a Statute Law was made Annis 2. & 3. Ed. 6. which is in this maner: Forasmuch as the most necessarie office and duety of Lawes is to preserue the life of man, and condignely to punish such persons that vnlawfully and wilfully murder, slay, and destroy men &c. Note the preamble of this statute, And also it is a common practise amongst arrant Theeues & Robbers in this Realme, that after they haue robbed and stolne in one Countie, they will conuey their spoile, or part thereof so stolne, to some of their adherents in another Countie, where the principall offence was not committed ne done &c. By this Preamble it appeareth, That if one feloniously receiued parcell of the goods stolne, that he shall be thereby an accessarie &c. Quære thereof: for yée shall finde titulo Corone in Fitzh. pag. 126. That one shall not be accessarie for receiuing

of

of goodes stolne onely, if he receiue not also the felon himselfe. And therefore the indictment was there quod sciens &c. felonice receptauit latronum &c. and he was discharged thereof ratione iam dict', But if he had as well receiued the felon himselfe, as the goods, then otherwise it were vt patet, 9.H.4. fol.1. & tit' Coron' in Fitz.pag.427. where a felon did flie to his brothers house, and his brother did shut the doore, and the Countrie that pursued him were deceiued thereby, for they did coniecture that he had continued in the house when hee did flie thence to the church; whereupon his brother was adiudged accessorie to that felony &c. vt patet, ibidē pag.196. That a man may be an Accessorie to an Accessorie: As if a man feloniously doth receiue him that is an Accessorie to a felon &c. Also it appeareth there pag.48. that he that receiueth an Accessorie of felonie is principall and not Accessory &c. And the reason thereof as I vnderstand is, for that by this receipt, a new felony is committed by him, though that it dependeth vpon the ancient and former felonie &c. And note yee that Bracton counteth an Accessory receptor malorū &c. vt supra c.19.fo.26. and sayth that a woman cannot be accessory to her husband

I haue alreadie intreated of accessaries by the common law, now therefore I will in-

Accessories by statute.

intreats of Accessaries by the statute lawe, It seemeth though an offence be made felony by statute, though the same statute doth not speake expressly of abettors, procurors, counsellors, and receivors, yet it shall be taken to be within the compasse of that Statute, as it appeareth in the title of Treason, 19. H. 6. where the consentor and aydor, to the counterfeiting of the great seale, priuie seale, or the kings money, was adiudged a Traytor: And yet the words of the statute are, if a man do counterfeit &c. the which thing the other seemeth not to haue done, in that he was not but consenting, and ayding to the same &c. The same Law is in case of Rape, where one did the fact, and another assisted him, & ayded him to commit the rape, he thereby is a rauisher as farre forth as his companion which did the rape indeed, as it appeareth 11. H. 4. & titulo Coronæ in Fitzh. pag. 120. And yet notwithstanding ỹ words of the Statute of Westm. 2. ca. 3. 4. are, if a man rauish a woman &c. but that was the cause of the rape, without which perhaps the rape had not beene committed, and principall doer in that he was present when the fact was done, and therefore aswell culpable of the fact as the principall doer is. And if any be acquited of a principall fact, hee is then acquited of all offences as accessory before

the

the principall fact committed, but not of offences perpetrated as accessorie after the principall fact done, as it shall appeare after: And therefore some will argue in this case, as though that accessaries before the offence committed, be taken to be within the compasse of a statute that maketh felony, though that they be not expressed, for the reason before made; yet notwithstanding that proueth not that accessorie, after the offence perpetrated, should be within the compasse of such a statute if it be not expressed. But howsoeuer it be, those of the parliament in the time of King H.8. prouided for the same, as it appeareth as well by the statute of Hunting, an' 32.H.8. as by other statutes which at this instant are not in force. And by a statute made in the first and second yere of P.& M. against vnlawfull and rebellious assemblies, which statute as yet is in force. And by a statute made 1.M. concerning Egyptians, as yet also being in force, The which statute prouideth as well for accessories before the offence perpetrated, as after, vide the statut of 3.H.7. of those that take maids, widowes, or wiues against their willes, where the words are that such taking, procuring and abetting to the same, and also receiuing wittingly the said woman so taken against her will, and knowing the same, is

felo-

felony: And that such misdoers, takers, procurers, and receiuers to the same, knowing the said offence in forme aforesaid, bee henceforth reputed & iudged as principall felons. Note as it seemeth there is no Accessory in this offence vpon this Statute, in that the words bee reputed and iudged as principall felons, which maketh them as it seemeth all principals &c.

Accessorie in maihme.

Note that in an Appeale of maihme, the plaintife may chuse to make euery of them principals, or him only that did hurt him to be principal, & the others Accessories, vt patet 215.221.& 199.

How the principal shal first be attainted, and after the accessories.

There are three sorts of Attainders, viz. by confession, by verdict, and default or outlawrie, and in all these cases the principall ought to be attainted before the Accessorie: but in the manner of proceeding to this attaint, there are diuersities of opinions, for Bracton saieth vpon the attainder by proces in this manner causę quidem vtlagationis possunt esse multę &c. So that it apeareth that at that time there was diuersities of opinions about the manner of Attainder of Accessories by outlawry, which diuersitie was taken away by the Statute of Westminster the first, the which is thus, viz. And for that that men haue vsed in some countries to outlaw the people appealed of com-

cõmandement, force, aide, & receptmẽt within the same terme, in which a man should outlaw him that is appealed of the fact as principall. It is prouided, and commaunded by the king, that none be outlawed for Appeale of commaundement, force, aide, or receptment, vntill hee that is appealed of the fact be attainted; so that one only law therof be thoroughout the whole land &c. But hee that will appeale should not therefore cease to continue his Appeale at the next Countie against those, as well as against the Appellées of the fact, but the Erigent against them shall stay vntill such time as the Appellées of the fact bee attainted by outlawrie or otherwise. This Statute is not to bee vnderstood of Appeales commenced by bil; for of Appeales commenced by writ, there appeareth not any to bee Accessarie till such time as the Count be made, the which is not made till such time as there bee also appearance for the Accessorie, vt patet, 43. Edw. 3. fol. 15. Wherefore in that case, where an Appeale is commenced by Writ, if the plaintife will pray the Erigent against all, hee is thereby concluded to count after, against any one of them as Accessarie, for if otherwise &c. hee should not haue the Erigent agaynst all them vntill the Principall had beene outlawed,

for

for in that case he is concluded vt patet tit. Coron. in Fitz. pag. 80. This statute willeth that the Appellée of the fact be attainted before the Accessory shall be outlawed: Admit then, that at ỹ time when the accessory is at the erigent, the principall appeareth, if then the Erigent shall be awarded against the Accessorie, til that the proces against the principall bee determined &c. it séemeth not, for notwithstanding that the proces bee determined, yet the principall is not attainted: and vntill such time as he bee attainted, the Accessory ought not to be outlawed, vt supra 7. H. 4. fo. 31. That which is said extendeth to that where the Accessory doth not appéere but maketh default: wherefore now let vs sée what shall bée done when the Accessorie appeareth in iudgement, and the principall also, and in respect thereof, note you, that by the auncient law, the Accessory should not be put to answere till such time as the principall had béene attainted, vt patet per Bracton, Si omnes presentes sunt tã deforcia quã de fact' procedatur contra omnes per ordinẽ, dum tamen illi de fortia non respondeant antequam ille de facto conuincatur &c. And agréeable vnto him is the Booke of 44. E. 3. fo. 9. & tit Coron. in Fitz. 216. but since that time the law hath béene changed &c. for now bee it that the principall appeare, or make

default,

default, the Accessorie, if he appeare, shal answere, but if he plead to an issue, proces shal cease to be awarded against him for his trial, vntill the principall do appeare, or be attainted by outlawrie, vt patet 9.H.4. & 7.H.4. but yet those processe against the Jurie shall not cease, vnlesse the Accessory will, for if the Accessory wil pray proces against the inquest, before the principall be attainted, hee shall haue them, in that it is damage to none but himselfe: And whether hee be attainted or acquited, it is good, and he shall not bee againe arraigned for that offence; for the taking of the Inquest or verdict is not erroneous for the reason before made, vt patet titul' Coron. 463. The same law is if the Accessory will wage his battell with the Appellant before the principall doth come, vt patet ibidem pag. 8. for he may waine the benefit that the law doth giue him therein &c.

Note yée that if the plea which the Accessory doth pleade, be a plea in abatement of the whole writ, the principall therein shall haue the aduauntage, notwithstanding his absence, so that the Exigent that is to bée awarded against the principal shall stay till it be knowne whether the whole writ shall abate or not, vt patet 9.H.4. but if they both do appeare, viz. the principall and the Accessorie, then the principall must first answere and

and after the accessary, for such answere the principall may make, that the accessary shall not be put to answere, till the answere of the principall be tryed, And that is where the principall doth not plead directly to the felony, but some other plea, As if he plead that he was once before attainted of the same felony, and the appellant to the contrary, that it is not so, and so they are at issue in this case the accessary shall not answere before that issue be tryed, 9. H. 7. Quere if the like Law be where the principall pleadeth in abatement of the whole Writ &c. But if the principall plead to the felony, the accessaries then presently after such plea shal plead also, And if they be at issue, a venire facias may be awarded against them all, vt patet tit Coron where Fortescue saith, that if at the day in the Court the principall maketh default, the Inquest shall not be taken for the accessarie, but that the Inquest shall goe without day, and the principals, manicaptors or suerties, shall make their fine &c. And that agreeth with that which was said before, scilicet, that the Inquest shall stay for the accessary till such time as the principal commeth to be attainted by outlary, &c. Note, whē I speake of the principall, I meane then all the principals, for if there be diuers sued as principals, and some of them doe come, and some do not,

yet

yet the Inquest shall stay vntill all the principals doe come, or be attainted of outlarie, if it be so that he be appealed or indicted as accessarie vnto them all, otherwise it is if he be not appealed or indicted but as Accessary to one of them, for there it sufficeth those principals onely to come, or to be attainted for whom he is appealed or indicted as Accessary, without hauing regard to the residue, quod vide 7. H. 4. fo. 30. & tit. Coron. in Fitz. 216. Also note ye that it is requisit that this attainder of the principall be in the same sute in the which the Accessaries be sued, for if it be in another sute, that will not permit the Accessary to proceed in his Inquest till such time as the principall that is sued with him doth come in, or be attainted by proces as is aforesaid. And in an Appeale of death, against the principall and the accessary, the principall before that time is attainted of the very same death, vpon an indictment at the kings sute, vt par. 7. H. 4. fo. 30. Quere if the accessary shal plead for his discharge the acquitall of the principall in another sute, vt par. 277. Also it seemeth that the principall since that attainder is dead, and the Iustices before whom the Accessary is sued haue before them the record of the Attainder, that then they may proceede against the Accessary otherwise not, 7. Hen. 4. fol. 23. Wee

haue ſaid before that the Inqueſt ſhall not proceed againſt the accellary, till ſuch time as the principall doth come in or be attainted, &c. admit then that the principall doth come in, and will ſay nothing, but ſtand mute, what ſhall in that caſe be done with the Accellary, Huſſey ſaith, 3. H. 7. that that notwithſtanding the accellary ſhall bee arraigned, quod vide titulo Corone. 36. & 51. where the principall challengeth aboue the number of 36. which was peremptory to him, therefore he was hanged without further tryall, becauſe he would challenge but juſt 36. or vnder, and not aboue, and in that caſe the Accellarie was tried and found guilty, And the Juſtices did aduiſe with themſelues, what ſhould be done in that caſe, for they were of diuers opinions, &c. This Attainder whereof we haue ſo often ſpoken though that it be erronious, yet notwihſtanding ỳ Court ſhal proceed with th'accellary, for the Accellary ſhall vtterly take aduantage of that errour, Quod vide Anno 2. R. 3. fol. 21. Alſo there is one caſe that although the principall be not attainted, yet the acceſſary ſhall be hanged, As if one Abiure as accellarie and afterward the principall commeth, not being attainted, Tamen the Juſtices in fauore vitæ did inquire if the Acceſſary was attainted or not, The ſame Law

ſhall

ſhalbe in the Caſes abouesaid, as it ſæmeth where the Accessary of his owne gwd will wage battell, or haue the Inquest proceed before the principall doth come, &c.

Note that if the principall be acquited, the accessary is thereby discharged, for Bracton saith, vbi fack nullum, fortia nulla, nec precept nocere debet, vbi iniuria nulla habuit effectum, &c. Wherefore it is cleare that the acquitall of the principall, is also the acquitall of the accessary, or if ỹ happen that the principall cannot be tryed, as if he die in prison before he be attainted, thereby the accessary is discharged, otherwise it is if he die after the attainder, &c. The same Law is if before the principall be attainted of that felony, he is attainted of another felony and hanged, the accessary hereby is discharged, vt pat. tit. Coron. in Fitz. 378. The same law is though he be not hanged after the attainder in that case he shall answer to any other felony vnlesse it be robbery or treason, the same law is if it be found that the principall killed him, se defendendo the accessary is therby discharged, vt pak. 116. Et tamen there ths principall purchaseth his pardon, &c. But that pardon argueth not that he is culpable in any other maner then se defendendo. But of other pardons otherwise it is, for if the principall doth plead his pardon to a felony generally with-

Whether the acquitall of the principall discharge the accessary or not.

out any ſpecial matter found ỹ which ſhould cauſe the pardon, and is thereby diſcharged, yet that ſhal not diſcharge the Accellary, but he ſhalbe found guilty of the felony, vt pat tit. pred' 260. fo. by ſuch a pardon ỹ felon is confeſſed, of which felony he prayeth to be diſcharged ex gracia Regis, and not by courſe of ỹ law, as it was done in the other caſe, Quere tamen for the contrary is agreed by way of argument, 3. H. 7. tit. pred' 53. And alſo by ỹ opinion of Thyrne, 7. H. 4. fo. 13. And his reaſon is, that when the life of the principall is giuen him by the law in what maner ſoeuer it be, the Felony is extinct in his perſon, and by conſequence acquited.

And ſo it ſhall be where the principall taketh him to his Clergy. And with this caſe agreeth the booke of 3. H. 7. fo. 2. tamen Fitz. tit. pred' 53. hath repoꝛted that booke of 3. H. 7. to the contrary ſcz. that notwithſtanding that the principall ſhall haue his Clergy, yet the Accellary ſhall be hanged. And accoꝛding to that ye ſhal find ibidem 270. & 466. Sed diſtinguendum eſt, of the caſe of the clergy, ſcz. whether he be Clerke conuict, oꝛ Clerke atteint, foꝛ if he be Clerke atteint by the ancient bookes, the Accellary ſhall bee hanged, foꝛ that the principall in that caſe cannot at any time make his purgation,

and

and otherwise perchance if he were Clerke conuict, in that the Clerke conuict may make his purgation, wherefore in that case they did vse to let Accessaries to mainprise, vntill such time as the principal had made his purgation, &c. vt pat. titulo Coron. 145. 176. 252. 376. 193. & 7. H. 4. fol. 13. & 13. E. 4. fol. 3. and then vpon his purgation to discharge the Accessarie, and if he dyed or escaped before purgation, &c. then to proceed to the attainder of the accessary, &c. Quere if the difference will hold place at this day in that, in the new bookes before they haue repugnancy of opinion in the case where purgation is to be done, That is to say, in the case of a Clerke conuict, for some would in that case that the Accessary should be discharged, and some would not, So that in that case of the Clergie and of the pardon the new bookes and the old agree not.

Note where it is said before that the acquitall of the principall is also the acquitall of the Accessary, That is to be vnderstood if it be not in Appeale when the Accessary is to recouer damages, for if he will recouer damages hee ought to bee tryed notwithstanding the acquitall of the principall, vt patet in Fitzh. pag. 223. Quere if that bee Lawe now, by vse for it seemeth

reasonably that he should haue his damages vpon the acquitall of the principall without being tryed, or otherwise should ensue that the court would admit an accessary, wherto then it appeareth that there is no principall which should be inconuenient, for as Bracō hath well said, non possunt appellantes primo & principali appellato omisso, iungere duellum cum appellantes defortia & precept. &c. In my Lord Cookes 4. booke of reports, fo. 44. in an appeale brought by one Bibithes termino Paschæ, anno 39. Eliz. it is there resolued for law, that although the principall was conuicted by verdit, yet insomuch that he had his Clergie his accessaries both before and after the felony were discharged, & the same law is there resolued, if a principall vpon his arraignment confesse the felonie, and before iudgement gets a pardon or hath his Clergy allowed him, the accessary thereupon is discharged. 2. E. 3. 27. 22. E. 3. tit. Coron. 260. 5. H. 4. 16. 10. H. 4. 5. 3. H. 7. 1. &. 3. H. 7. tit. Coron. 53.

Quod nota.

An appeale of murder and robbery. Southt.

A.G. vid' nuper vx' R.G. in propria persona sua instanter appellat M.D. nuper de N. in comitatu *S.* yeoman, & I.B. nuper de A. in comitatu pred. yeoman, in custodia T.P. milit' vic' com. predict. existen', & ad barrā duct' in propria persona

ſona ſua, de morte pred.R. nuper viri ſui de eo qd vbi idem R.G.28. die A. anno &c.fuit in pace dei & dicti dni' reg. operans & laborans in comburiend' carbones in terr' I.G. milit' voc' S.in quodã loco ibid' voc'a Cole place,apud C.in comit' pred.vbi vener' pred.M.D.& I.B.vt felon' dict.dom.reg. & de inſultu ex malicia præcogitat',ac ad intẽcoem' pred.R G.de bonis & de denarijs ſuis depredãd' & ſpoliand'in eund'R.G.pred'28.die A. ann'30.ſuprad' circa horã nonã poſt meridiem eiuſd' diei, vi & armis,viz.baculis, cultellis,&c. apud C.pred'in pred'loco inſultum fecerunt,& eund' R.G. adtunc & ibidem felonice & voluntarie interfecer' & murdrauer', & eund'R. ſic interfect' abinde incontinenter aſportauer' vſque quendam boſcum voc' &c.diſtan' a pred.loco circa decem pere exiſten' in parochia de T.in eodem Com.ac ipſum ibidem in Silueſtre loco roborum abſcondiderunt & proiecerunt, Ac guttur ſuum ad tunc & ibidem ſcinderunt contra pacem dicti domini Regis coron. & dignitat.ſuas. Et quam cito ijdem felo-

nes felonium & murdrum predict' feciſſent fugierunt & pred' A ipſos recenter inſecut' fuit de villa in villam vſque quatuor villat. propinquiores, Et vlter' quouſque &c. Et ſi pred' M.D' & I.B. felonium. & murd' pred' in forma pred' fact dedicer' velint tum pred' a parat. eſt felon. & murd' pred' verſus eos probare pro vt cur' hic conc' & invenit pleg. de proſe. Appell' illud viz. I.W. & C.E. &c.

Appeale de Raptu vbi vxor poſt rapt' conſent. raptori.

E.P. de H. in Com. pred' yeoman in propria perſona ſua iuxta formam Statuti in parliamento Dom.R. nuper Regis Angl. ſecond. poſt Conqueſt. apud Weſtm. anno regni ſui ſexto tent. edit. inſtanter appellat. I. B. nuper de H. in priſona &c. de eo quod vbi I. vxor pred' I.P. fuit in pace dei & Dom. Regis nunc apud H. in Com. pred' die &c. Anno &c. citra horam &c. ibi venit pred I.P. felonice vt felo Dom. Regis nunc inſidiand' & inſult' premeditat. contr' pacem eiuſdem Dom. Regis Coron' & dignitat. ſuas die Anno hora & loco predict' Et predict' I. adtunc & ibidem felonice repuit & cum ea adtunc & ibidem

ibidem carnaliter concubuit & eadem I. eidem I. W. poſt raptum predict' in forma pred' perpetrat' ſcilicet &c. die & Anno &c. de perpetracione eiuſdem rapt' conſentiunt & eum pro eadem rapt' iuxta debit' legis formam punire omnino recuſauit, Et quam cito &c.

Appeale de raptu per proxim' de ſanguine.

W.L. prox' de ſanguine I. filiæ & hæred' T.L. iam defunct', ſcilicet frater predict' T.L. patris predict' I. felonicè rapt' in propria perſona ſua inſtanter appellat R.P. de K. in com' S. yeom' & in cuſtod' &c. iuxta formam ſtatuti domini Rich. nuper Regis Angli 2. poſt conqueſtum, Anno regni ſui ſexto tent' ædit' de rapt' prædict' I. & pacis Domin' Regis nunc fract', de eo quod vbi prædict' I. fuit in pace dei & domin' Regis nunc apud M. in com' E. die &c. Anno &c. circa horam &c. vbi venit predict' R. vt felo domini Regis nunc inſidiand' & inſult' præmeditat' contra pacem dict' domini Regis Coron' & dignitatem, ſuas die anno hora & loco pred', & predict' I. felonice rapuit, contra formam ſtatuti pred' &c. Et quam cito &c.

Appeale de Maihime.

I.A. in propria perſona ſua appellat R.L.de D. in com' S. Yeom' de eo quod vbi idem I. A. fuit in pace dei & domini Regis nunc apud C.in com' predict',die &c.An'&c.circa horam octauã poſt meridiem eiuſdem diei vbi venit predict' R. felon' vt felo dict' domini Regis ibidem, inſidiend' inſult' præmedit', contra pacem dict' domin' regis coronam & dignitatem ſuas,die anno hora villa & com' predictum quadam ſagitta ſagitauit prefat' I.A.in genu ſiniſtro per qd' venæ et nerui eiuſdem genui totalit' exſiciat' fuerunt & ſic ipſum felonice Maihemauit. Et quam cito &c. Et ſi &c. Idem I. hoc parat' eſt verſus eum probare prout Cur' &c.

Appeale de amputare lingue.

D.B.in propriâ perſona ſua inſtanter appellat R.E.de amputation' linguæ ipſius D.& pace domin' regis fract' pro eo viz. quod cum per quoddam ſtatut' in Parliament' H.4.nuper regis Angl',ann' regni ſui quinto apud Weſtmonaſt.tent' ædit' ordinat' ſit quod malefactores qui linguas hominum amputarent vel oculos eruerent ligiorum domin' regis hoc debit

debit' probat' & compert' qd tale fact' ex malitia præcogitat' fuit perpetrat' penam felon' incurrerent prout in ſtatuto predict' plenius continetur. Ac vbi pred' D. fuit in pace dei & domin' regis nunc apud H. in comit' pred' die & anno &c. circa horam &c. ibi venit predict' R. E. felonice vt felo domin' regis inſidiand & inſult' præmeditat' contra pacem domin' Regis coron' & dignitat' ſuas die anno hora loco & comitat' predict', & cum quodam cultello quem tenuit in manu ſua dextra linguam ipſius D. felonice amputauit. Et quam cito &c.

Where a felon appeales, and calls for the Coroner.

Memorand' quod die Martis &c. I. R. nuper de L. &c. diuerſ. felon' coram domino rege apud W. feciſſe cognouit petendo coron' domin' Regis ſibi pro cõmodo ipſius Regis & regni ſui aſsignari & probat' dict' R. deuenit. Et ſuper hoc ego I. W. coron' domin' regis &c. ei aſſign' fui per cur' ad recordand' ea que dictus probator coram me dicere ſeu cognoſcere voluerit, & dat' fuer' dies per cur' eidem probatori pro diebus ſuis appelland', ſcz. die Lune Martis & marcur' tunc

tunc proxim' ſequen'. Et poſtea, ſcilicet die Lune predict' coram me præfat' coron' apud W. venit probator' ſub cuſtod' Marr' dom' regis in propria perſona ſua & appellat' T. C. nuper de L. & H.R. nuper de S. &c. de eo quod predict' T.C. ſimul cum ipſo probator' circa primum diem S. Anno &c. apud B. in com' M. vnam petiam Argenti ad valent' xxx. ſolid' de bonis & catallis A. B. ibidē &c. felonice furat' fuerint: Et predict' H. R. ſciens ipſos T. C. & probatorem feloniam illam ſic feciſſe, ipſos apud B. predict' quarto die tunc proxim' ſequen' felon' receptauit & petiam Argenti pred' de ipſis emit &c.

Idem modus obſeruetur in alijs ſimilibus &c.

Cognizans de le felon ſuper ſon arreignment.

Alias ſcilicet die Iouis prox' &c. anno &c. apud O.I. B. nuper de H. Yeoman, coram L.M. & ſocijs ſuis Iuſticiæ dom' Regis ad pacem in comitat' predict' conſeruand' aſſign' Indictat' de eo quod ipſe die et anno &c. (recitando Indictament') contra pacem dom' Regis coram pref. Iuſtic' allocat' qualit' ſe vellet inde acquie-

acquietare felon' predict' cognouit & probator dom' Regis deuenit petendo coronatorē dom. Regis ſibi aſſignari, ſuper quo ego I.W. vnus coron' dom' *Regis* comit' predict' ei aſſign' fui ad audiend' vt recordand' ea que ipſe pro commodo ipſius regis dicere aut coram me cognoſcere vellet. Et poſtea ſcilicet tali die &c. dixit coram me præfat' coron' apud E. predict' probator', qd' W. I. de L. in com' L. yeoman, Ac idem probator in Regia via inter W. & B. ad diſtan' decem milliarum de B. predict' x. die &c. anno &c. in quēdam I. B. inſultū fecer' verberauer' & maletractauer' & ſex marcas ſtarlingorum in pecunijs numerat' de bonis & catallis ipſius I. W. tum & ibidem inuentis felonice ceperunt & depredati fuerunt vnde idem probator prefatus W. I. Appellat &c.

Hoc audis dom' coronator' quod ego B.C. ſim latro vnius equi vel alterius rei vel homicida vnius hominis vel plurimorum: Et felo dom' Ia. Regis Angliæ &c. Et quia multa mala & latrocinia perpe-

The forme of abiuration of a felon.

perpetram in hac terra abiur' regnum domin' Ia.regis Angl' &c. Et debeo me festinare versus portam de tali loco quē dedisti mihi, Et quod non debeo diuertere ab Alta via, & si faciam volo quod sim captus sicut latro & felonus domin. Regis, Et quod apud talem locum quæram diligenter transilium meum & non expectabo ibi nisi fluxum & refluxum vnum si transit' habere poter', Et nisi tanto spacio abire potero ibo quolibet die in mare vsque ad genua mea, temptans transire, & nisi hoc potero infra xl. dies continuos mittam me itterum in Ecclesiam sicut latro & felonus domin' Regis sic de me deus adiuuet secundum iudicium.

But it semeth by the statute of 22. H. 8. that this kinde of abiuration is taken away, and that it was the Kings pleasure that such person which did abiure, should be abiured from all his abilitie, to some Sanctuarie within this Realme, there to continue during his life, & that he should be burnt in the right hand with this letter A. to the end he might be knowne to be an abiured person, &

if

if after he was taken abroad out of the Sanctuarie, then he should vndergoe such punishment as persons abiured did before the making of the said Statute: And if any felon refuse to abiure before the Coroner, he shall lose the benefit of the Sanctuarie by the statute of 21.H.8.cap.2.

The maner of Abiuration of a Recusant.

This heare you Sir Coroner, that I I. M. of H. in the Countie of S. am a Popish Recusant, and in contempt of the Lawes and statutes of this Realm of England, I haue and doe refuse to come to heare diuine seruice there read and exercised; I doe therefore according to the intent and meaning of the statuts made in the xxvb. yeare of Quéene Elizabeth late Quéene of this Realm of England, abiure the land and Realmes of King Iames, now King of England, Scotland, France, & Ireland, And I shall hast me towards the Port of P. which you haue giuen and alligned to me, and that I shall not goe out of the high way leading thither, nor returne backe againe, and if I doe, I will that I be taken as a felon of our said Lo. ỹ King, And that at P. I wil diligently séeke for passage, and I will tarrie there but one flood and ebbe, if I can haue passage, and vnlesse I can haue it in such space, I will go euerie day into the Sea vp to my knées, assaying to passe ouer: so God me help & his holy iudgemẽt &c.

Memo-

The forme of a certificat of an abiuration.

Memorand' quod accidit apud E. in com' S. die ſabat', ſcilicet viceſimo die I. anno &c. quidam *R. S.* nuper de P. in com' L. Yeoman, cepit eccleſiam parochialem de P. pred' pro immunit' & tuicione ſacroſanct' Eccleſ. in ead' habend' actione diuerſarum per ipſum preantea factarum & petijt coron' dom' regis ſibi adduci, Super quo ego I. W. vnus coron' dom' *R*egis comitat' predict' acceſſi ad ipſum R. in Eccleſia predict' ſic exiſten', & ipſum coram me dict' die ſabat' in Eccleſia prædict' fatebatur & voluntarie cognouit quod ipſe 27. die Maij tunc vltimo preterit' apud L. in parochia ſanct' S. in warda de F. vnum maſerum cum argent' coopertum cuiuſdam I. B. in domo ipſius I. ibid' exiſten' ad valen' xxx. s. felonice furatus fuit ob quam feloniam petijt a me præfat' coron', regnum Angl' abiurare, Super quo tradito ei libro per me præf. coronatorem, idem *R.* regnum predict' coram me predict' die ſabat' in Eccleſ. pred' abiurauit in idem regnum nunquam reditur' abſq; ſpeciali licentia & reconciliatione regni Angl', Et aſſign' eſt

eſt ei eidem R. pro tranſitu ſuo extra regnũ portus Douorum cruce in manu ſua dextra poſitã prout lex Angliæ eſt & conſuetudo &c.

Vbi vnus capt' fuit extra Sanctuarium & petit reſtituer'.

Et ſuper hoc ven' predict' G. & dic' quod ipſe xiiij. die I. anno &c. cepit eccleſiam ſancti G. apud S. in comitat' predict' pro diuerſis al' felon' per ipſum preantea perpetrat' pro ſaluacione vite ſue & tuicione ſacre ſancti eccleſiæ, petitque priuilegiũ eccleſiæ illius. Et quod I.L. & al' eidem G. ignot' ipſum adtunc & ibidem exira eccleſiam predict' violenter & contra voluntatem ſuam ceperẽ & abduxer' Et hoc &c. Et petit reſtituer' &c. Et ſi &c. ad felon' non cul'.

An Inquiſition in murder. *Southt.*

Inquiſitio Indentat' capt' apud B. in comit' predict' die martis videlicet xxj. die Decembris anno regni domine noſtre Elizabeth. Dei gratiæ Angliæ, Franciæ,& Hiberniæ,Reginæ fidei defenſor' &c. xxviij. Coram me I.S. gener' vno Coron' dictæ dominæ Reginæ comitat' predict' Super viſum corporis cuiuſdam

E.S. gener' ibidem mortui iacen' per ſacramentum I.S.&c. Iurat' triat' & onerat ad inquirend' qualiter & quo modo predict' E. S. ad mortem ſuum deuenit Qui dic' ſuper ſacramentum ſuum quod I. H. de *S.* in Comitatu predict' Yeoman quarto die Auguſti, Anno regni dicte Domine Regine viceſimo ſeptimo apud B. predict' in Comitatu predict' circa horam decimam ante meridiem eiuſdem diei deum pre occulis ſuis non habens ſed inſtigatione diabolica ſeduct' & mot' ex malicia ſua precogitat' felonice vt felo dicte Domine Regine in & ſuper dictum E. *S.* in pace Dei & dicte Domine Regine exiſtens adtunc & ibidem vi & armis inſultum & affraiam fecit Et quod predict' I. H. cum quodam gladio Anglice vocat' A ſworde valoris quinque ſolidor' quem idem I. H. in manu ſua dextra adtunc & ibidem tenebat & adtunc & ibidem prefatum E. *S.* felonice percuſſit & cum gladio predict' dedit eidem E. *S.* adtunc & ibidem vnam

plagam

plagam mortalem ſuper ſiniſtrum genum ipſius E. totaliter abſcindens quoddam os predicte genui ipſius E. Anglice vocans the panne of the Knee longitudinis quatuor pollicium latitudinis duoꝝ pollicium & profunditatis duorum polliciũ de qua quidem plaga mortali idem E. S. viceſimo die Decembris, Anno ſupra dicto apud B. predictum Comitatu predicto obijt. Et ſic Iuratores predicti ſuper ſacramentum ſuum predict' dicunt quod predictus I. H. modo & forma predicta predictum E. S. felonice & ex malicia ſua precogitata interfecit & murderauit contra pacem dicte domine Regine coronam & dignitatem ſuas, Ac inſuper Iuratores predicti ſuper ſacramentum ſuum predictum dicunt quod predictus I. H. tempore felonie & murdredi predicte facto nulla habuit bona aut cattalla terras neque tenementa in coñ predict' ad eorum notitiam. In cuius rei Teſtimon' tam ego pref. coron' quam

Iurat' predict' huic Inquisition' sigilla nostra alternatim apposuimus die ann' & loco supradict' &c.

Per Ioh. S. vnum Coronat' dicte Regine com' predict'.

Coubt. Murder' al'.

Inquisitio Indendat' capt' apud H. in comitat' predict' coram me I. W. gen' vno coron' domini Regis comitatu predict' die martis videlicet vicesimo die Ianuarij Anno regni domini nostri Iacobi Dei gratia Angliæ, Scociæ, Franciæ & Hiberniæ Regis Fidei defensor' &c. videlicet Angliæ, Franciæ, & Hiberniæ tercio, & Scociæ tricesimo nono. *S*uper visum corporis cuiusdam C. B. nuper vxorem P. B. de H. predict' apud H. predict' felonice interfect' adtunc & ibidem mortui iacent' per sacramentum proborum & legalium hominum de villa de H. & trium aliarum vill' propinquarum videlicet S. N. & C. prout mos est &c. ad inquirend' qualiter' & quomodo predict' C. ad mortem suam deuenit' videlicet per sacramentum A. B. C. D. &c. ad numerum duodecem' ad minus qui dic'

super

ſuper ſacramentum ſuum quod vbi predict' C. die anno loco & comitat' pred' circa horam ſecundam poſt meridiem eiuſdem diei martis fuit in pace Dei & dicti domini Regis apud H. predict' ibi venit quidam W.B. nuper de C. in com' W. gener' felonice vt felo dicti domini Regis inſidiando & ex niſult' premedit' contra pacem eiuſdem domini Regis coron' & dignitat' ſuas die anno hora loco & comit' predict' in predictam C. magiſtram ſuam que adtunc grauida fuit & vicina partui inſultum fecit & eandem C. cum quodam ſecur' vocat' a hatchet valor' quatuor denar' quem idē W. adtunc & ibidem in manibus ſuis tenuit, ſuper ſiniſtrum partem capitis ſui felonice percuſſit dans ei plagam mortal' de qua quidem plaga mortali eadem C. inſtanter obijt Et ſic Iur' pred' ſuper ſacramentū ſuum pred' dic' quod pred' W.B. pred' C. magiſtram ſuam adtunc & ibidem felonice interfecit & murdrauit contra pacem dicti domini Regis coron' & dignitat' ſuas &c. In cuius rei Teſtament' &c.

Southt.
a lit' in murder'

Inquisitio &c. super visum corporis cuiusdam I. S. ibidem mortui iacent per sacramentum A. B. C. D. &c. ad numerum duodecem ad minus Iurator' triat' & onerat' ad inquirendum qualit' & quo modo predict' I. S. ad mortem suum deuenit qui dic' super sacramentum suum quod ita accidit apud M. in Comit' predict' die &c. Anno &c. circa horam &c. quod vbi predict' I. S. fuit in pace Dei & dicti Domini Regis apud M. predict' eisdem die anno loco & hora ibi ven' W. L. & M. pred' & S. T. de S. in Comitatu predicto Yeomon vt felon' dicti Domini Regis & ex malicijs suis precogitat' in ipsum I. S. adtunc & ibidem insultum fecerint & predict' W. L. cum quadam punione Anglice a Dagger valoris quatuor denar' quem ipsum in manu sua dextra adtunc & ibidem tenebat & dict' I. S. super sinistrum partem corporis sui videlicet super assellam percussit vsque ad cor suum dans ei plagam mortal' vnde idem I. S. instanter obijt, Et sic Juratores predict'

dict' ſuper ſacramentum ſuum predict' dic' quod predict' W. L. prefatum I. S. apud M. predict' modo & forma predict' felonice interfecit & murdrauit contra pacem dicti Domini Regis coroñ & dignitatem ſuas &c. Et vlterius Iuratores pred' ſuper ſacrament' ſuum pred' dic' quod pred' T. S. die anno loco & hora p̄d̄ fuit preſens aſſiſtanc' abbettanc' procuranc' confortanc' & manutenens prefat̄ W. L. ad feloniam & murdrum predict' in forma predict' faciendum & perpetrandum. In cuius rei Teſtimon' &c.

Inquiſitio &c. vt predict' eſt qui dic' ſuper ſacramentum ſuum quod R. *S.* nuper de D. in Comit' predict' Yeoman xix. die Decembris anno decimo ſupradicto vi & armis videlicet gladijs &c. in quendam T. C. apud D. predict' in Comitat' predict' cum quodam candelabro Anglice with a candleſticke valoris duodec' denarior' qd idem R. in manu ſua dextra adtunc & ibidem tenuit eundem T. ſup caput ſuū felonice

Southt. Manſlaughter.

percussit dans eidē T. ad tunc & ibidem vnam plagam mortal' longitudinis duorum pollicium latitudinis dicte vnius pollicis & profunditatis trium pollicium, posteaque scilicet eisdem die anno & loco idem R. corpus eiusdem T. adtunc & ibidem ad terram prostrat' manibus genubusque suis tā dire & violenter quassauit Ita quod predict' T. de plaga & quassacione predict' interijt Et sic Iurat' predict' super sacramentum suum predict' dic' quod predict' *R.* pred' T. modo & forma predict' adtunc & ibidem felonice interfecit contra pacem dicti domini regis coron' & dignitatem suas &c. Et vlterius Iurat' predict' super sacramentum suum predict' dic' quod predict' *R.* tempore felonie predict' per ipsum vt predict' est comiss. nulla huit' bona aut catall' terr' neque tenement' in com̄ pred' nec alibi ad eorum notitiam In cuius rei Testimon' &c.

Soulht. Roberia & murder per hominem ignot'.

Inquisitio &c. qui dic' super sacramentum suum quod vicesimo quarto die S. anno &c. sic accidit quod quidam homo

homo ignotus deus pre occulis ſuis non habens ſed inſtgiation' diabolica ſeduct' & mot' vi & armis videlicet gladijs &c. int' horas ſeptim' & octauã eiuſdem diei apud L. in cõm predict' via regia ibidem in & ſuper predict' S.B. adtunc & ibidem in pace dei & dicti domini Regis exiſten' felonice vt felo dicti domini regis inſultum fecit & predict' homo ignotus cum gladio predict' valor' quatuor denariorũ quem idem homo ignotus in manu ſua dextra adtunc & ibidem tenebat predict' S.B. ſuper pectorem ſuam adtunc & ibidem felonice percuſſit dans eidem S.B. adtunc & ibidem cum gladio predict' vnam plagam mortalẽ latitudinis vnius pollicis & profunditatis ſex pollicium, de qua quidem plaga mortali predict' S. adtunc & ibidem inſtanter obijt, Et ſic Iurat' predict' ſuper ſacramentum ſuum pred' dic' quod predict' homo ignotus prefatum S.B. modo & forma predict' felonice interfecit & murdrauit contra pacem dicti domini regis coron' & dignit' ſuas Et vlterius Iurat' predict' ſuper ſacramentum ſuum predict' dic' quod

predict'

pred' homo ignot' poſtquam ipſum feloniam & murdrum pred' ſcilicet in forma pred' feciſſet & perpetraſſet fugam fecit contra pac' dicti domini Regis &c. In cuius rei Teſtimon' &c.

Fugam fecit.

Murder' de ſeipſo qui ſeipſum ſuſpend' nul' terr' forisf.

Inquiſitio &c. qui dic' ſuper ſacramentum ſuum quod predict' H. quarto die Aprilis, Anno &c. ſupradicto circa horam quartam poſt meridiem eiuſdem diei deum pre occulis ſuis non habens ſed inſtigatione diabolica ſeductus & motus apud T. predict' in quodam prato eiuſdem W. vocat' Edes meade adtunc & ibidem ſolus exiſtens cum vno ſingulo corrij valoris vnius denarij quod ipſe adtunc & ibidem in manibus ſuis habuit & tenuit, & vnum finem inde circa collum ſuum adtunc & ibidem poſuit & alterum finem inde circa ranuum cuiuſdam arboris ſilicis ligauit & ſeipſum adtunc & ibidem cum ſingulo predict' voluntarie & felonice ſuſpendit & ſuffocabat, Et ſic Iuratores predict' ſuper ſacramentum ſuum predict' dic' quod predict' H. W. modo & forma

forma predict' voluntarie & felonice vt felo de ſe ſeipſum murdrauit contra pacem dicti Domini Regis coron' & dignitatem ſuas &c. Et vlterius Iuratores predict' ſuper ſacramentum ſuum pred' dic' quod predict' H.W. tempore felonie predict' nulla habuit bona aut catall' in Comitat' ad eorum notitiam. In cuius rei Teſtimon' &c.

Inquiſitio &c. vt ſupra qui dic' ſuper ſacramentum ſuum quod predict' A.P. tercio die Octobris anno &c. ſupradicto circa horam &c. Deum pre oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus ex malicia ſua precogitat' apud *S.* predict' in Comitat' predict' adtunc & ibid' ſol' exiſten' in communi riuola ibid' ſeipſum voluntarie & felonice emergit. Et ſic Iuratores predict' ſuper ſacrament' ſuum pred' dic' quod predict' A.P. modo & forma predict' adtunc & ibidem voluntarie & felonice vt fel' de ſe ſeipſum occiſit & murdrauit contra pacem &c. Iu cuius rei Teſtimon' &c.

Qui ſeipſum emergit nul' terr' ſunt forf.

Inquiſi-

De homine lunat' qui seipsum emergit non est felonia.

Inquisitio &c. super visum corporis cuiusdam G.P. ibidem mortui iacen' per sacramentum A. B. &c. Iurat' ad inquirend' qualit' & quomodo predict' G. P. ad mortem suum deuenit, qui dic' super sacramentum suum quod predict' G. P. quarto die Maij Anno &c. supradict' apud H. existens adtunc & ibidem non compos mentis seipsum in vnum fontem voluntarie proiecit, Et sic Iurat' predict' super sacramentum suum predict' dic' quod predict' G. P. ex causa predict' modo & forma predict ad mortem suam deuenit. In cuius rei Testimon' &c.

Deprisonar' qui moriebant' in gaola dom'regis

Inquisitio &c. super visum corporis cuiusdam H.C. nuper de O. in comitat' predict' Husbandman ibidem mortui iacent' qui ante tunc commissus fuit ill' per B. T. mil' vnum Iustic' pacis dicti domini Regis comitat' predict' pro suspect' felon' per sacramentum A. B. &c. qui dic' super sacramentum suum quod predict' H. G. decimo die Ianuar' anno &c. supradict' in gaola predict' ex visitatione

tione dei obijt. Et ſic Iur' predict' ſuper ſacrament' ſuum predict' dic' quod predict' H. G. modo & forma predict' ad mortem ſuam deuenit & non alit' ad eorum notitiam. In cuius rei Teſtimon' &c.

Inquiſitio &c. qui dic' ſuper ſacramentum ſuum quod quatuordecem die Aprilis anno &c. ſupradicto apud C. in comitatu predict' inter horas ſeptimã & octauã ante meridiem eiuſdem diei cum vno falcaſtro Anglice an Axe qd idem L.H. adtunc & ibidem in manibus ſuis habuit & tenuit ſcindebat & proſtrauit vnum quercum adtunc creſcen' in quodam boſco vocat' le Chaſe ratione cuius proſtracionis querci predict', predictus quercus adtunc & ibidem per infortunium cecidit ſuper caput predict' L. H. dans eidem L.H. vnam plagam mortalẽ longitudinis trium pollicium & profunditatis vnius pollicis de qua quidem plaga mortali predict' L.H. adtunc & ibidem inſtanter obijt. Et ſic Iur' predict' ſuper ſacramentum ſuum predict'

Homicid' per infortunium per arborem.

dict' dic' quod predict' L. H. modo & forma predict' per infortunium ad mortem ſuam deuenit. Et vlterius Iuratores predict' dic' quod predict' quercus eſt valoris octo ſolidorum & quod iacet in boſco predict' modo in tenura cuſtodia ſiue occupatione reuerend' in Chriſt' patris Thome domin' Epiſc. Winton'. In cuius rei Teſtimon' &c.

Al' per infortunium per carmam cum onore ſuo.

Inquiſitio Indentat' &c. qui dic' ſuper ſacramentum ſuum quod predict' R.W. vndecimo die Octobris &c. Anno &c. ſupradicto apud P. predict' in Comitatu predict' eundo cum carma ſua a Reding in Comitatu B. vſque Baſingſtoke in Comitatu Southt. predict' per viam inter R. & B. predict' ſcilicet apud P. predict' in Comitatu predict' carma ſua predict' onore ſuo Anglice his ſaid Cart with the loade ceſſidit ſuper corpus pred' R.W. Et ita quaſſauit corpus ſuum quod de quaſſatione ill' predictus R. adtunc & ibidem inſtanter obijt. Et ſic Iuratores predict' ſuper ſacramentum ſuum pred' dicunt quod pred' R.W. modo & forma predict'

predict' per infortunium ad mortem ſuam deuenit, Et vlterius Iuratores predict' ſuper ſacramentum ſuum predict' dic' quod adtunc & ibidem tres equi & due boues cum carma predict' & onere ſuo videlicet ſex ſarcinum lane Anglice ſix packes or farthells of Woll continen' in ſe per eſtimationem viginti quatuor pond. Anglice conteyning in them by eſtimation foure and twenty toddes of Woll mouerunt ad mortem predict' R.W. Et quod predict' tres equi & due boues ſunt precij quatuor libr' & decem ſolidor'. Et quod predict' carma eſt valoris vigint' ſolidor' & quod pred' equi boues & carma remanent' in cuſtod' I.W. de P. predict' vid' nuper vxore predict' R.W. Et quod predict' ſex ſarcines ſunt valoris ſexdecem librarum, vnde due predictarum ſex ſarcinarum ſunt valoris iiij.li.xiij.s. & iiij.d. & remanent' in cuſtodia H. P. de B. predict' Clothier & quod al' tres ſarcines predictarum ſex ſarcinarum ſunt valoris octo librarum et rem̃ in cuſtod' T. B. de Romſey in

Comitatu

Comitatu S. predict' Clothier, Et quod vna allia ſarcina reſid' predictarum ſex ſarcinarum eſt valoris ſexaginta ſex ſolidorum & octo denariorum & rem in cuſtod' W.B. de R. pred' Clothier. In cuius rei Teſtimoñ &c.

FINIS.

The Oath of a Sheriffe to the Supremacie.

I B.C. doe vtterly teſtifie and declare in my conſcience, that the Kings Highneſſe is the onely ſupreame gouernour of this Realme, and of all other his highnes Dominions, and Counties, aſwell in all ſpirituall things, or cauſes, as temporall: And that no forrein Prince, Perſon, Prelate, State, or Potentate, hath, or ought to haue any iuriſdiction, power, ſuperioritie, preheminence, or authoritie, Eccleſiaſticall or Spiritual, within this Realme; And therefore I doe vtterly renounce and forſake all forreine iuriſdictions, powers, ſuperiorities, and authorities, and doe promiſe that from henceforth I ſhal beare faith and true allegeance to the Kings highneſſe, his heires and lawfull

ſucceſſors, and to my power ſhall aſſiſt and defend all iuriſdictions, priuiledges, preheminences, and authorities, graunted or belonging to the kings highneſſe, his heires and ſucceſſors, or vnited, and annexed to the imperial Crowne of this Realme. So helpe me God, and by the contents of this booke.

His Oath by Statute for the due execution of his Office.

YOu ſhall ſweare, that well and truely ye ſhall ſerue the Kings Maieſtie in the office of the Sheriffe of the Countie of Southampton, and do the Kings profite in all things that belongeth to you to doe by way of your Office, as farre forth as you can or may; you ſhall truly keep the Kings rights, and all that belongeth to the crowne; you ſhall not aſſent to decreaſe, or leſſing, nay, to concealemẽt of the Kings rights, or of his Franchiſes, And whenſoeuer you ſhall haue knowledge that the Kings rights, or the rights of his crowne beene concealed, or withdrawne

drawne, to be in lands, rents, franchiſes, or ſuites, or any other things, ye ſhall do your true power to make them to be reſtored to the King againe: And if you may not doe it, ye ſhall certifie the king or ſome of his Councell thereof, ſuch as you hold for certaine will ſay it to the King: yee ſhall not reſpite the Kings debts for any gift, or fauour, where you may raiſe them without great grieuance to the debtors; yee ſhall truely, & rightfully treat the people of your Shirifwick, and doe right aſwell to poore as to rich, in all that belongeth to your Office; yee ſhall doe no wrong to any man for any gift, or other beheſt or promiſe of goods for fauour nor hate; ye ſhall diſturbe no mans right; ye ſhall truly acquite at the Exchequer all thoſe of whome yee ſhall any thing receiue of the Kings debts; ye ſhal nothing take wherby the King may loſe, or whereby the right may be letted or diſturbed, and the King delayed; ye ſhall truely returne and truely ſerue all the Kings Writs, as farre forth as ſhall be to your cunning; ye ſhall not haue to be

your Vnderſheriffe any of the *S*heriffes of the laſt yeare paſt; yee ſhall take no Bayliffe into your ſeruice, but ſuch as you will anſwere for: you ſhall make each of your Bayliffes to take ſuch Oath as you make your ſelfe in that belongeth to their occupation: you ſhal receiue no Writ by you nor any of yours vnſealed, or any ſealed vnder the ſeale of any Iuſtice, ſauing the Iuſtice in Eyre, or Iuſtice aſſigned in the ſame Shire where yee be *S*heriffe, or other Iuſtices hauing power and authoritie to make any Writs vnto you by the Law of the land, or of the Iuſtices of Newgate: you ſhall make your Bayliffs of true and ſufficient men in the Countie, Alſo ye ſhall doe all your power and diligence to deſtroy and make to ceaſe all manner of hereſies & errors, commonly called Lollaries, within your Bayliwike from time to time to all your power, and aſſiſt and be helping to all the Ordinaries, and Commiſſaries of the whole Church, and fauour and maintain them as often as you ſhal be required by the Ordinaries Commiſſaries: ye ſhall

be

bee dwelling in your owne proper perſon within your Bayliwicke for the time yee ſhall bee in the ſame Office, except yee bee otherwiſe licenced by the King: yee ſhall not let your Sherifwicke, nor any Bayliwicke thereof to anie man: yee ſhall truely ſet and retorne reaſon and due iſſues of them that bee within your Bayliwicke after their eſtate and behauiour, and make your pannels your ſelfe of ſuch perſons as bee moſt next, moſt ſufficient, and not ſuſpect, nor procured, as it is prouided by the *Statutes*. And ouer this, in eſchewing and reſtraint of manſlaughters, robberies, and other manifold grieuous offences that bee done daily, namely, by ſuch as name themſelues *Souldiers*, and by other vagrants, the which increaſe in number, and multiply ſo, that the Kings ſubiects may not ſurely ryde nor goe to doe ſuch things as they haue to doe, to their intollerable hurt and hinderance: Yee ſhall truely and

effectually with all diligence possible to your power, execute the Statutes as the Statutes of Winchester, and vagabonds. All these things yee shall truely obserue and keepe as God you helpe, and by the contents of this booke.

Of

Of the authoritie of a Sheriffe, and how and in what maner he ought to execute his *Office in all things that* are in vſe.

The Second Booke.

FIrſt of all, when he is appointed to be Sheriffe he is then Cuſtos Comitat, and his power and authority is very great, as hereafter I will ſet forth and declare at large: and at the entrance into his Office, the firſt thing that he muſt doe, is to goe into the Exchequer, into the Kings Remembrancers Office there, and to enter into Recogniſance there with ſuerties, or ſome for him, for the payment of his proffers, at or before menſe Paſchæ, and menſe Michael' then next following. That done, his Attor-

ney there, will write him a note, thereby signifying that he is Sheriffe of such a county, and that he hath entred Recognisance for his proffers, the which note the Sheriffe must deliuer to one of the Sir Clarkes in ỹ Chancerie, for his warrant to make the Sheriffes Patent by, with his writ of Assistance, and a writ of discharge to be deliuered to his predecessor, to discharge him out of his office, the which would be deliuered with all spæd, for his owne benefit or his Undersheriffes: for vntill it be deliuered to his predecessor, the precedent Undersheriffe may doe execution of processe. And this being done, then if he be so well prouided, he may take his Undersheriffe with him, and go either to a Master of the Chancerie, or to one of the Iudges of the Assises of that Shire, whereof hee is Sheriffe, and take their oathes for the due execution of the said Office, Or else he must haue a Dedim.ꝰ potestatem out of the Chancerie, from the Clarke which made his Patent, directed to two Iustices of Peace of the same Countie, whereof one must be of the Quorum, to giue him his oath in the Countrie; but his Undersheriffe may be sworne by two Iustices of Peace, whereof one must be of the Quorum, without Commission: and vntill they be thus sworn, they may not

enter,

entermedle with the execution of any proces by the Law.

A Sherife at or before his first County Court, must take ouer from the old Sheriffe his predecessor, all his prisoners, and writs, precisely by view and by indenture to bee made betwéene them, wherein all the causes which he hath against euery prisoner (at the perill of the old Sheriffe,) must be set forth & declared, or else the new Sheriffe néeds not to take any notice of any thing that is omitted, and left out of the indenture, for hee is not chargeable with it, but the old Sheriffe, as it appeareth of late in a case adiudged in my L. Cookes 3. booke of Reports, Wesbies case fo. 72. against the Sheriffe of London: for although they set him ouer by Indenture yet they set not ouer al the causes which they had against him, but omitted an execution which after was recouered against the olde Sheriffes by the plaintife, and Wesby was at liberty, & the Sherieffs were sans remedy.

All the writs which are set ouer in the indenture betwéene the Sheriffs, if they haue bene executed by the old Sheriffe, then they must be returned by him, & indorsed vnder by the new Sheriffe thus, I send bre ꝓ vt indorsatur mihi delibat fuit ꝑ R. W. milit nup vic' ꝓx, p̄decess. meum in exit ab officio suo.

H. C. Milit vic'.

And

And a shirife at the first County Court which shall happen to be after his election, & discharge of the old shirife, must read his paten & his writ of Assistãce, & nominat his vndershirife, the County Clerke, & foure deputies of Repleuins at the least for the ease of the Countrie, whoe ought to dwell ry. miles one from another: in euery quarter of the Country one, to grant Repleuins when nẽd shall require.

Southt. Primu Com. F.P. mil' vic' Com. predict. and so next second. Com. the next County Court tenẽt apud Castr' Winton' tali die & Anno setting the kings Stile at large.

When the Bailiffe must make an O-yes, and say thus, essoins and proffers (before the court thrée times) pur cest iour. And then say if any man will be essoined or enter any plaints, let thẽ come in & they shall be heard.

Essonis. A.B. Essoin. est quia egrotat̃ vel siliã.

A.B. queritur versus C.D. de placit. capt & iniuste detent auerior̃ suor̃ or de placit debit̃ detent transgress. vel similia, as the case is.

This Court ought to bée kept euery mo-neth vpon a day certaine of necessitie by reason of the kings writs of Exigents which must be read there.

And the actions must be called there as they are in a hundred Court or Court Baron, and it will not hold plea where the debt

or

or damage is xl.s. vnlesse it be by writ of Iusticies out of the Chancery, which is a commission to the shiriffe to hold plea of any sum whatsoeuer, and yet it is but in the nature of of a distringas, to distraine a mã by his goods to answer there to the plaintifes action, for his body cannot be touched with it by Law, nor his lands.

And the like entries, plaints, answers, bars and issues are to be put in there as are vsed in a hundred Court, or Court Baron, for this Court is but a Court Baron. And although it be the shiriffes court yet the freeholders of the Countie are the Iudges there in all actions, And the Kings Coroners of the Countie are onely Iudges to giue iudgment vpon the Kings writs of Exigents, and non else, and if they be freeholders as they ought by the Lawe to be, they are also Iudges of their actions, if they be not they may bee remoued from their places for lacke of freehold, it is a sufficient exception in Law to be taken against them, in that case.

And the like proces or precepts as are made out of a hundred Court mutatis mutandis, are to be made out of this Court, viz. summons attachment, and distresse infinite.

Election of Knights for the Parliament, and of Coroners and Verderers, are alwaies made by the Kings writ in open Countie Court

Court, and the day and time when and by whom, viz. by the freeholders of the County, and the Knights are to be chosen betweene 8. and 9. of the Clocke in the forenoon, sedente cur'. And the names of such freeholders as are at the election of Coroners, & Verderers, ought to be set downe in the County Court booke, for to testifie such election, and the sheriffe is to minister vnto the Coroners and the Verderers, their seuerall othes for the due execution of their offices.

A Replenin.

Southt. ff. Fr. P. miles vic' Com. predict' balliuo Hundr' de H. nec non Io. S. balliuo meo hac vice & eorum vtrique contim' & diuisim salutem, Quia W. P. inuenit mihi sufficient' securit' tam de Claim' suo prosequendo, quam de auerijs suis viz. vna spadone, tribus equis, &c. que I. C. cepit & iniuste detinet vt dicitur, retor', si retor' inde ad iudicetur, Id' ex parte Dom. Regis vobis & vtrique vestrum [coniunct. & diuisim mando quod repleg. & deliber' fac' seu vnius vrm' repleg. & deliber' fac' prefat' W. P. aver' sua pred'

Et

Et qd ponat' ſeu &c. per vad. & ſaluos pleg. prefat' I.C. Ita qd ſit ad prox. Com. meum apud Caſtr' Winton' tenend', ad reſpondend' prefat' W.P. de plitõ' Capt' & iniuſte deten' auer' ſuor' pred', Et qualit' &c. mihi ad prox. Com. meum certificet', ſeu &c. ſub periculo incumbent' Dat' ſub ſigillo officij mei vltimo die Decemb. an. Reg. Dom. nrī. Iac' dei grac' Angl' Scociæ Franc' & Hiber' Regis fidei defenſor' &c. viz. Angl' Franc' & Hiber' xiiij. & Scociæ quinquageſimo.

Per me Ric. W. milit' vic'

And if this Repleuin be granted by a deputy to the Sheriffe, then he muſt ſet his name to the Repleuin thus,

Per me I.V. vnum deput' dicti vic' ſecond' forth Stat.

And if the firſt Repleuin be not executed, then the Sheriffe or his deputy may grant an alias Replevin, & ſo a plur' Repleuin, vel cauſam mihi ſignifices, and after A toties quoties if need be, And vpon all theſe Repleuins, there muſt be a bond of x pounds at the leaſt

least taken of him to whom the Repleuin is granted for his appearance at the next court after, and persecution of his suite with effect against the taker of the cattell, and to make returne thereof, if returne be adiudged, the forme of which band and condition thereof must be thus.

Obligation. Nouer' vniuer' per presen' me Will' P. de C. in Com. Southt. gen' teneri & firmit' oblig' F. P. mil' vic' Com. pred' in decem libris bone & legal' monet' Angl' soluend' eidē vic' aut suo cert' Attor' execut' vel assign' suis, Ad quā quidē solut' bene & fidelit' faciend' oblig' me hered' execut' & administ' meos firmiter per presen' Sigillo meo sigillat' dat' &c. As all other bands are.

Condition. The condition of this present obligation is such, that if the aboue bounden W. P. doe appeare at the nert County Court to be holden at the Castle of Winchester, and thē and there do prosecute his action with effect against I. C. for the wrongfull taking and detaining of his cattell, viz. of one gelding and three horses as it is alledged. And do also make returne thereof if returne thereof shalbe adiudged by law, and also do saue and keepe harmeles, and indempnified, the aboue named shiriffe, his vnder shiriffe, and

Bay-

Bayliffes, for, touching and concerning the deliuery of the ſaid cattel, that then this preſent obligation to be voide and of none effect, or elſe the ſame to ſtand, remaine, and continue, in force, ſtrength and vertue.

And if in this caſe the taker of the cattell iuſtifie ỹ taking as in his freehold, then this Court, can proceed no further therein, but the cauſe muſt be remoued from thence by the Kings writ out of the Chancery called a Recordare fac' loquelam, directed to the ſhirife returnable the next terme following, either in the Kings Bench, or in the Kings Maieſties Court of Common pleas, which the party will, for they are both Common-Law, but they are more properly belonging to the Court of Common pleas, and this writ ought to be openly read & allowed in ỹ ſaid Court, to the end that notice may be giuen thereof to the plaintiffe in the Repliuin, ỹ he may appeare at the day of the returne thereof, and declare againſt the taker of his cattel, or elſe the taker wil haue A return hēd' auer, and ſo put him to ſue forth his Second deliuerance, which is a diſaduantage to the plaintiffe, for he ſhall then haue no more Second deliuerance, otherwiſe he might haue another, and let the Atturney for the plaintife ſee well to the ſealing of the writ of Second deliuerance with the Return hend' auerior

or

or else it will fall out to be manifeſt error, & ouerthrow the cauſe be it neuer ſo iuſt, whē it is an erer', becauſe the writ of R. D. is an originall writ, but the def. therein ſhall haue no coſt, it was the caſe of Nich. M. gent againſt Tho. Newman in a Repleuin for an Anuity adiudged in the Kings Bench, termiñ trinit Ann. xv. I. R.

Now nert the high Sheriffe will looke for his ſecurity from his vndersherife before hee will truſt him with his office becauſe he will ſleepe quietly, and take his repoſe in ſafety, and for that commonly he hath bonds and couenants of the vndersherife & his friends. That men make not void all theſe bonds and couenants taken of their vndersheriffs. Let them looke to the Stat. 5. E. 6. c. 16. And that gentlemens Clerks may ſufficiently know how to execute the office of an vndersheriffe. I haue taken occaſion to ſet forth this booke of directions ſufficiently to teach and inſtruct any Clerke that is willing to vndergoe the burden of this office for his maſter rather then a gentleman of worth, ſhall for a little money hazard his othe or his credit in his country, for by this meanes he had better (in diſcharge of his dutie both to God and his prince in the execution of his office,) keep his office in his houſe, ſo that he may take a continual ſurney of it himſelf, then truſt a ſtranger

ger vpon bands and couenãts with the whol execution of his office which by the ſtat. of 23.H.6.c.10. are thought by many opinions to be void, or voidable, for the words of the ſtat. are theſe, ỳ no ſherif nor none of his officers or miniſtees ſhal take or make any obligation for any cauſe mentioned in the ſaid ſtat. or colour of their office, but all onely to themſelfe, of any perſon, nor by any perſon which ſhall bee in their ward by courſe of the law, but vpon the name of their office, and vpon condition written, ỳ the ſaid priſoners ſhall appeare at the day contained in their writs, bil or warrant, & in ſuch places as the ſaid writs, bils, or warrãts ſhal require, And if any ſherife, or any of his officers take any obligation in any other form by color of their office, ỳ it ſhal be void: & in this courſe there can be no loſſe to the ſherif, if his vnderſherif be carefull to follow the directions here laid before him, for he ſhall both hereby get good knowledge & experience, & ſome profit, & his maſter may giue him good allowance, & yet ſaue ſufficiẽt out of the honeſt gains of the office to paſſe his accounts, & to defray part of his other charge, & haue his country mẽ wel delt withall, & gently intreated according to his oath, whereas now as the office is vſed otherwiſe by vnderſherifs which buy their offices, the paies for it, or els the vnderſherife muſt go away a begger.

The forme of an Indenture for setting ouer of prisoners and writs betweene two Sherifs.

THis Indenture made &c. Betwéen I.K. Esquire, late Sherife of the County of South. of the one partie, & sir Y.W. knight, now Sherife of the said county on the other partie, witnesseth that the said I.K. by vertue of his maiesties writ of discharge of his late office to him directed, hath deliuered and set ouer vnto the said sir Y. W. these writs following, viz. A Capias versus W.F. retorn' oct' Hillar' adsect' Andr' Limboui &c.

Together with the bodies of I.S. in execution at the suit of G.Y. for a debt of xxx.li. And I.Y. at the suit of C.D. in execution for x.li. &c. In witnes whereof &c.

The forme of an Indenture betwéen the Highsherife and his vndersherife.

THis Indenture made &c. Betwéen I.Y. of D. in the county of S. esquire, on the on partie, and Y.R. of G. in the said countie gent. of ỹ other party, witnesseth that whereas the said I.Y. being by the K. most excellēt maiestie appointed to bee high sherife of the said county of S. for this yeare to come, hath vpon special affiance, confidence, & trust that he hath and beareth in and towards the said Y.R. promised and granted to the said Y.R. the vse of the exercising of the office of his vndersherif of the said C. together with all fées,

fines, forfeitures of bands, profits, cõmodities, aduantages, casualties, allowances, liberties, franchises, courts, tornes, leets, perquisites of courts, & other emoluments certaine & vncertain whatsoeuer, to the office of sherifwike or vndersherifwike belonging, or in any wise appertaining, that any sherife or vndersherif of the said C. hath heretofore iustly & lawfully claimed or had, to haue and enioy during, & by all such time as he the said I. Y. shalbe, remaine, & continue high sherife of the said C. of this appointment, or election not discharged, In consideration whereof the said Y. R. couenanteth, granteth, & agreeth, & faithfully promiseth for him, his heirs, executors and administrators, that he the said Y. R. his heires executors or administrators shal and will discharge or otherwise sufficiently saue and kepe harmelesse aswel the said I. Y. his heires, executors, and administrators, as also his & their, & euery of their goods, cattels, lands, tenements, & hereditaments, of & from all & all maner of troubles, vexations, sutes, actions, informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, pains, sum and sums, of mony paiable or leuiable, to or for ỹ K. Ma. or any other person or persons whatsoeuer, for any mater or thing to be done, in or about the said office, & of & from all losses, hinderances, & damages, that shall or may be lawfully

moued, ſtirred, procured, commenced, prohi-
hibited, proſecuted, happen or fal, or lawfully
aſked, demanded or leuied vpon the ſaid I. Y
his heirs, executors, or adminiſtrators, or of,
or vpō his, or their, or any of their goods, cat-
tels, lands, tenemēts, or hereditaments, for
or by reaſon of the ſaid office of ſherif, either
by nonſuing, or vnlawfull returning, flow
returning, or miſreturning of any precepts,
writs, warrants, or proces to ẏ high ſherife
directed, or to bee directed, or for by cauſe or
meanes of any exceſſiue or vnlawfull extorti-
on or eracīō, or tawing of anymony, or other
gaine or commodity, for ẏ ſeruing or not ſer-
uing of any ſuch writs, warrants, precepts,
or proces, or for or by reaſon of any miſdeme-
nor, miſuſing, or miſgouernmēt, negligence,
lacke of ſkil, or of ignorance ẏ ſhall be in the
ſaid Y. R. in or about ẏ doing, exerciſing, or
executing of the ſaid office of vndерſherife, &
the ſaid Y. R. for himſelfe, his heires, execu-
tors & adminiſtrators by theſe preſēts, doth
couenant & grant to and w̄ the ſaid I. Y. his
heires, executors, & adminiſtrators, in like
manner to diſcharge, or otherwiſe to ſaue
harmles, & indēpnified, aſwell ẏ ſaid I. Y. his
heirs, executors, & adminiſt. as alſo all their
goods and cattels, lāds, tenemēts, and here di-
taments of and frō all maner of eſcapes, both
wilful and negligent of traitors, felons, and
all other priſoners cōmitted or to be cōmit-

ted

ted to his or their safe kéeping or charge, in breach of prisons, & of & frō all fines, forfeitures, amerciaments, sums of mony, & penalties ỳ he or they or anny of them shal or may incur, beare, pay or sustaine for any escape or breach of prison during all ỳ time of his continuance in the said office of high sherife of his appointment, and moreouer ỳ said H.K. shall giue attendance conuenient, & requisite vpon the K. courts at Westm. vpon the Judges of Ass. and Iu. of the P. and other cōmissioners and officers within the said C. vpon whom the J.H. or the said H.K. in respect of the said office of sherifewicke ought by the lawes of this realme to attend, And furthermore shal within one yere next after the discharge of the said J.H. frō his said office, iustly and truly make a perfect accōpt in the K. Exchcq. or elswhere of all the sums of mony, receits and other things where w̄ the said J. H. shal or may be charged as sherife of ỳ said C. of S. and shall w̄in the said time deliuer vnto the said J.H. his heirs, &c. a sufficiēt acquitance or quietus est. And it is further agréed vpō by the said parties to these p̄sents, That euery one of the bailiffs of Hu. & all other the officers vnder the sherife, shall enter into sufficient by obligation, that they & eury of thē shall truly, and diligently, deale in, exercise, and execute their offices during the

time afore ſaid, and if any one ſhall refuſe to enter band or miſdemeanor himſelfe, that then it ſhalbe lawfull to & for the ſaid H. K. in his diſcretion to place another meete for that office in the rome of ſuch perſõ that ſhall refuſe or miſdemenor himſelfe as is afore ſaid In witneſſe whereof, &c.

The bonds are commonly taken of the vnderſhirife and his ſureties for the perfor-mance of theſe couenants and they are ordi-nary as all other bands are for performance of couenants, and therefore here nædes no preſident for them.

A condition for a Gailor to enter into the ſhi-rife for the ſafe keeping of his priſoners.

The Condition, &c. That wheras the aboue named H. H. W. hath at the ſpeciall inſtance & requeſt of the aboue bounden W. W. conſti-tuted & appointed the ſaid W. W. to be his kæper of all ſuch priſoners as ſhalbe arreſted or attached by any maner of writ, warrant, or precept, made or to be made, by or in the name of the ſaid H. H. W. or by or in the name of I. W. his vnderſhirife, If therefore the ſaid W. W. his deputie or deputies, aſſig-nee or aſſignees, or any of them ſhall and doe well & ſafely kæpe all ſuch priſoners as ſhall be committed to him or them, or any of them and therein ſhall ſaue & kæpe harmeleſſe, and indemp-

indempnified, the said shirife, his heires, executors, & administrators, at all & euery time and times hereafter, of and from all and all maner of escapes of all maner of prisoners that shalbe committed to the custody & safe keeping of the said W. W. or left vnder the custody or charge of any of his deputies, or assignes, and of and from all & all manner of iudgments, executions, fines, charges, troubles, & incombrãces whatsoeuer, which shal or may hereafter grow, or happẽ to be tared, imposed, estreted, or leuied vpõ, of or against the said shirife, as shirife of the C. aforesaid, for or by reason of any such escape, or escapes, as aforesaid. And also if the said W. W. his deputy, or assignee, shall not discharge or set at liberty, out of his or their custody, and safe keeping, any prisoner or prisoners which now are, or that hereafter shall or may be by the said sherife or by his vndersherife or deputy, or by any of their Bailifes taken, commited, deliuered, or left in the custody of the said W. W. his deputy or seruant, without the speciall warrant in writing vnder the hand & seale of the officer of the said shirife in that behalfe first had and obtained. That then, &c.

A condition for a Bailife to enter into to the Shirife.

The Condition, &c. That whereas the aboue named H. B. T. at the speciall instance,

earnest entreaty of the aboue bounden I.P. hath authorized & appointed the said I.P. to be one of his bailifs within the Co. of S. aboue said, & in more perticular hath cõmitted to his charge the Baliwick of the Hu. of W.B. if therfore the said I.P. & all such persons for & about the executing of such things as shalbe giuen him a charge to do, & execute as Bailise of the Hu. do iustly, &c. execute his said office according to the effect & intents of such warrants, & precepts as shalbe directed vnto him, and come to his hands, from the aboue named sherife, or from his vndersherif to be executed, and shall & do vpon the venge of euery warrant vpon meane proces from the said sherif, take sufficient band with two suerties for the appearãce of the def. arrested according to the Stat. in that case made and prouided, & shal safely conuey or deuer euery such band, vncancelled vnto the said shirife, or his vndersherife, before such time as the proces whereupon the said warrant is made is recouerable, and also shall at all times, and from time to time, during the continuance of the said sherife in office of sherife of the said countã, be ready and attendant both vpon the said shirife, & vpon his vndersherif as wel at euery Assise & sessions, as also at euery Court to be holden, &c. then & there to execute his said office as appertaineth, And also

shall

shal wel and truly pay, or cause to be paid, to the said Sheriffe or his vndersheriffe, at the feasts of Easter, and S. Michael the Archangel now next comming after the date aboue written, all & euery such summe & sums of money as hath bin accustomed yearely to be paid to the sheriffe of ỳ said county for the Kings Maiest. out of the said Hundreds, vpon the accompt of euery Bayliffe of the said Hundreds, commonly called Sheriffes turn money. And do in like maner before the said feast of S. Mich. collect & gather of the inhabitants within the said Hundreds, all sums of money due to his Maiest. vpon ỳ sumons & scedule of the greene war, a sufficient warrant being in conuenient time deliuered vnto him to ỳ end & purpose, & doe accordingly pay ỳ same to ỳ said sherife, or to his vndersherife, within one moneth next after he hath gathered and collected the same, without couin or further delay, That then, &c.

A Sheriffe is to make Warrants vpon meane proces, or execute thẽ himselfe, which is not possible for him to do execution of all: and they must be made according to the seuerall natures of his writs, which for ỳ substance will direct him, but not for the forme thereof, and that doth differ in many counties, but all to one effect, as in tha countie of Southampton, thus:

A generall Warrant.

Southampt. Sſ. F. P. Miles Vicecom com̃ predict̃ balliuo hundredi de Houlſhot ſaluꝫ ex parte dom̃ Regis tibi mando quod capias A. B. ſi &c. Et eum ſaluo &c. Ita quod habeam̃ corpus eius coram Iuſtic' dom̃ Regis apud Weſtmoñ in oct' ſanct' Hillarij ad reſpondend̃ C. D. de placito debit, or treſpaſſe, according to the Writ. Et hoc &c. Dat̃ ſub ſigillo officij mei xx. die Decembris, Anno regni dom' Regis nunc Angl' &c. xiiij.

Per F. P. Mil' Vic'.

A ſpeciall Warrant.

Southampt. Sſ. F. P. Miles Vic' com' p̃d balliuo hundred' de H. necnon I. W. & T. B. balliuis meis hac vic' & eorum cuiuſlibet ſaluꝫ ex parte domiñ Regis vobis & cuiuſlib' vr̃m coniunct' & diuiſim mando quod capiatis ſeu &c. A. B. ſi &c. Et eum ſaluo &c. Ita quod hēam corpus eius coram domino Rege apud Weſtm̃ die Iouis px' poſt oct' ſanct' Hillarij ad reſpond̃ C. D. de placito trauſ. &c. Dat̃ &c. vt ſup̃.

And this form is vſed there, but it is not ſo Clerke-like as the other are.

xx. die Decembris, Añ Dom̃ 1617.

By vertue of the Kings Maieſties Writ to me directed, Ret. coram domino Rege apud Weſtm' die Iouis proxim' poſt xviij ſcil. Hillarij

Hillarij, or if it be out of the Court of common pleas, then Ret. coram Iustic' dom Regis apud Westm in oct' sanct' Hillarij, you shall arrest A.B. if he may be found within my Bayliwicke, to answer to C. D. in a plea of trespasse, or in a plea of debt, according to the Writ. Dat sub sigillo officij mei die & anno supradict &c.

Per I.P. Mil Vic'.

To I. P. and R. S. my speciall Bayliffs in this Behalfe, iointly & seuerally, greeting.

And in Yorke they vse to make their warrants thus vpon their meane proces.

Sr. Georgius S. Miles & Barronet Vicec' Eborum. com ptæd' omnibus balliuis meis vel omnibus balliuis infra com pred tm infra libertat quam extra necnon I.B. & C.D. balliuis meis hac vic' tant itinerant salut, ex parte dom Regis vobis & cuiuslibet vrm coniunctim & diuisim mando qd' capiat seu &c. A.B. si &c. Et eum saluo &c. Ita quod habeam corpus eius coram domino Rege, if the Writ come out of the Kings bench, apud Westm die Iouis prox' post xv^na sanct' Hillarij; but if the writ come out of the Court of cõmon pleas, then it is coram Iustic' dom' reg. apud westm in oct' sanct' Hill' ad respond C. D. de pl'ito traus. or debt, according to the writ. Dat sub sigillo officij mei tal' die & ann vt supra.

And

And this seemes to be the best form of warrants to haue them serued: & there they vse to make warrants vpon all their executions in this form, sauing only there is added these words before the reste of the warrant, ꝓuiso semp qđ hoc ꝑsens warrant exequend est ad piculum querentis tant, and thereupon the pl. will not only pay down the fee for ẏ execution as much as the Stat. allowes, but also giue bond without condition for ẏ saueing of the Sherife harmeleſſe of the escape, if any should happen to be, only they will set down vnder the bond ẏ cause wherfore ẏ bond is taken, & the bond is taken to a stranger, & yet neuer questioned, wch makes execution to be ẏ better done, or else the country is so spacious ẏ Sherife would not be able to doe a quarter of his worke. And I see no reason but it may be vsed in any other country as well as there, and it will make the Sherifes worke much the easier to be done, and all things considered, the more for his profit.

Also they vse there to make warrants vpon Capias vtlagat in the like forme, & to take bond with condition, to bring the def. to prison if he be arrested, wch makes good execution of those proces; and it were good this were vsed in all countries, then there would not be so much extortion and indirect dealing vsed by Undersheriffes and Bayliffes to the

Kings

Kings subiects as there is, for if they take any man vpon a Capias vtlagat, they will not not onely take money of the plaintife for to take the defendant, but when they haue taken him, for money they will let him goe againe, and they will alleage for a colour it is to reuerse the outlarie, which they haue nothing to doe withall: he ought to be brought to prison, and there remaine vntill one Atturnie or other haue reuersed the outlary for him, and not the Sheriffe. For although he be an Atturney, he ought not when he is sheriffe to practise as an Atturney; but yet notwithstanding they doe forestall the market, against the law, and the high Sheriffs oath, & it is pittie ỳ it is suffred to go vnpunished.

The forme of a Bond for apparance:

NOuerint vniuersi per presentes nos A.B. de C. in com' Southampt. gen' Eff. de G. in com' pred' yeoman, & H.T. de R. in com' pred' yeoman, teneri & firmit' obligari F.P. Mil' Vic' pred' in quadragint' libr' bone & legali monet' Angl' soluend' eidem Vic', aut suo cert' attorn' execut' vel assign' suis, Ad quam quidem soluc bene & fid' faciēd' obligam' nos & quēlib' nostr' ꝑ se pro tot' & in solid' her', exec', & admin' nost' & vtriusq; norstrū firmiter

firmiter per præsentes, Sigillis nostris sigillat', dat' vicesimo die Decembris ann' regni dom' nostr' Iacobi dei gratia Angl' Scotiæ, Franciæ, & Hibern' Regis, fidei defensor' &c. viz. Angl', Franc', & Hiberniæ decimo quarto, & Scotiæ quinquagesimo annoque dom' 1616.

The Conditiō thereof.

The condition of this present Obligation is such, That if the aboue bounden A.B. doe appeare coram dño Rege apud Westm̄ die Iouis px' post xv^na sanct' Hill', if the writ be out of the Kings bench, according to ỹ returne of the writ: but if the writ be return. in the court of common pleas, then ỹ words in the condition must be for the def. to appear coram Iustic' dom̄ regis apud Westm̄ in oct' sanct' Hill', or such other return according to the writ, to answer to C.D. in a plea of trespasse or debt, as it is in the writ, That then this present Obligation to be void & of none effect, or else the same stand, remain, and continue in force, strength, and vertue.

Sealed and deliuered to the vse of the aboue named Sheriffe, in the presence of A.R. & T.S. two witnesses at ỹ least.

Fort. xl. li.

A Sheriffe before he return any writ into the Chancery, the K. bench, the court of common

mon pleas, & the Exchequer, ought to haue an Attorney or deputy in euery one of those courts of record, to answer for him by warrant of Attorney. And if any sheriffe doe contrary to this ordinance in any point, he forfeits xl.li. euery time, & trebble dammages to the partie grieued: one moitie thereof to the King, and the other moitie to him ỹ will sue, by a statute law made anñ 23.H.6.ca.10.

You shal find in this booke good returns for all maner of writs now in vse, here set down to your view, whēsoeuer you shal haue occasion to vse them; & also apt returns of all your Exchequ. proces, with apt & due formes of all sorts of Inquisitions to be returned there, or elswhere, with your proces. And as for the court of Wards & Liueries, from thence you haue but iij. sorts of proces to be answerd vnto, viz. Extents, Attach. & Liueries vpon old extents not discharged, wch must be paid halfe yerely, with iiij. s. for ỹ fée of euery sum till ỹ debt be paid: & this last wil troble you most, & thother are easier to be returnd, thē executed.

Sheriffes & Vndersh. ought to receiue all maner of writs in any place within ỹ countie, without taking of any thing, and make thereof warrant: and if he refuse to doe it, if he make not A. return of those writs, he shal be punished, and render damages to the partie grieued by the statute of 2. E.3.ca.5.

Also

Also a Sheriffe may arrest men which goe or ride armed, & cõmit them to prison, there to remain at the kings pleasure by the same Statute. Also Sheriffes and Gaolers must receiue theeues indicted or taken with the manor, without taking any thing for their receit, by the Stat. of 4. E. 3. cap. 16.

Sheriffes must returne sufficient & reasonable issues vpon such persons as haue lãds and goods sufficient, according to the Stat. of Westm. the 2. ca. 39. & 1. E. 3. ca. 5.

Sheriffes ex officio may arrest within their countie suspected persons which walke by night or day, & which are of euil name and fame, by the Stat. of 5. E. 5. ca. 14.

A Sheriffe ought to haue but one Baylife errant in his Countie, by the Statute of 14. E. 3. cap. 8.

Sheriffes ought to kéepe their Turnes twise euery yeare, viz. one within a moneth after Easter, and the other within a moneth after the feast of Saint Michael the Archangell, by the Stat. of 31. E. 3. ca. 14.

Sheriffes must leuie their issues & amerciaments by their extracts vnder the seale of the Exchequer, otherwise they shall render to the partie dawnified treble damages, and also make fine to the King for their offence, which is determinable before the Iustices at their Sessions by the Stat. of 43. E. 3. ca. 9.

Sheriffes

Sheriffes ought to retorne their pannels for the Sessions foure dayes before the Sessions at the least vpon paine of twenty pound, and the Bailiffes of Liberties ought to make retorne of their Warrants fiue dayes before the Sessions at the least vpon the like paine by the Statute of 41. E. 3. cap. 11.

Sheriffes ought foure times in the yeere to proclaime the Statute of Winchester in euery Hundred of his Bailiwicke, for it is parcell of their Oath, yet they neuer doe it. Forfeiture 20. li.

Sheriffes ought to take the swords, daggers, and weapons from seruants, laborers, and from seruants of artificers and victualers if they find them bearing of any, except it be in time of warre, or when they trauell abroade into the Countrey with their Maisters, or goe in their messages, And they may keepe such weapons vntill the next Sessions, and there present them with the names of those that bore them, by the statut of 12. R. 2. cap. 9.

Sheriffes may ex officio apprehend laborers, seruants begging & wandring abroade, and commit them to prison without baile or mainprise, but they can take no fees of such persons, neither vpon receite or deliuery of them vpon paine of a C. s. to the king by the the Statute of 12. R. 2. cap. 9. Forfeiture C. s.

Sheriffes and others the Kings officers, when they haue notice of vnlawfull assemblies and Riots, ought to raise the Countrey and with all their power to apprehend such malefactors, and commit them to prison, there to remaine vntill due execution of the Law bee done vpon them, And all Lords of Seigniories, and all other the Kings liege people ought to be attendant to the Sheriffe and other Officers with all their power and force herein by the Statute of 17. Ric. 2. cap. 8.

A Sheriffe ought to dwell within the County in his person during the time of his Sheriffwicke, and he ought not to let his Office to farme, both by his Oathe, and by the Statute of 4. H. 4. cap. 5.

A Sheriffe ought to foresee and prouide, that neither his vnder Sheriffe, nor any of his Clarkes, Bailiffes, or Receyuors, be an Attorney in any of the kings Courts during the time of his Sheriualty, both by his oath and also by the Statute of 1. H. 5. cap. 4.

Forfeiture 20. li.

Euerie Sheriffe ought to proclaime the Statute of Purueyors foure times in his yeere, vpon paine of a hundred shillings for euerie time fayling therin, and he ought also to deliuer that to his successor to proclaime vpon the like paine by the Statute of 1. H. 6. cap. 2. but this is neuer done.

Sheriffes

Sheriffes ought to make due election of Knights of the Parliament by the Freeholders of the Countie, and in open Countie Court, and betweene eight and eleuen of the clocke in the forenoone of the same day by the Statute of 6.Hen.6.cap.6. vpon paine of a hundred pound, and a yeeres imprisonment without baile or mainprise. Forfeiture C.li.

Sheriffes ought to retorne vpon euerie precept directed vnto them from Iustices of Peace to inquire of Forcible entries vpon euerie Iurie twenty shillings issues at the first day, and Iustices of Peace haue power and authority to heare and determine those defaults by bill or indictment, and Sheriffes shall forfeit for euerie default xx.li. whereof he that will sue shall haue the moity by the Statute of 8.H.6 cap.9. Forfeit.xx.li.

And Sheriffes ought to retorne in writs of Attaints, in plea of land of the yeerely value of fourty shillings, or in actions for deeds concerning land to such value, & in actions of fourty pounds or more, such persons inhabiting within his Bailiwicke which can dispend twenty pound per annum, besides all charges for terme of life at the least, and out of Ancient demesne, Gaulkind, and Cinckports, and vpon the first distresse fourty shillings, & vpon the second C.s. and after duble issues vpon the Iurors vpon pain of x.li. Forfeit. xx.li.

to the King, and tenne pound to the party grieued, and if their be not sufficient persons inhabiting within the County which can expend twenty pound per annum, then they shal impannell other persons of the most sufficient in possession of yearely value of lands vnder the valus of twenty pound per annum vpon paine of tenne pound to the King, and tenne pound to the Plaintiffe: by the Statute of 15.H.6.cap.5.

Forfeit. CC.li. A Shiriffe may not occupy his office aboue a yeare, and if he do he shall forfeit two hundred pound, and be disabled euer to be Shiriffe of any County after, by the Statute of 23.H.6.cap.8.

No Shiriffe ought to let to farme his County nor any of his Bailywickes, Hundreds, or Wapentakes, for it is both against his Oathe, and contrary to the Statute of 23.H.6.cap.10.

No Shiriffe, Baylie of Liberty, nor any other Officer shall returne in any pannell or Iury any of his Bailiffes, Officers or Seruants to any of his Offices, by the Statute of 23.H.6.

Forfeiture x.li. No Shiriffe, nor any to his vse shall take any thing of any person to be Arested or Attached, nor for sparing of any Arest or Attachment, for Fine, Fee, Suite of prison, Mainprise, letting to Baile, or for shewing any

any eaſe or fauour to any ſuch perſon ſo arreſted, but onely for the Shiriffe twenty pence, the Bailie which maketh the arreſt foure pence, and the Gaoler if the priſoner be committed to priſon fourepence, by the Statute of 23.H.6.cap.10.

And a Shiriffe ought to take but fourepence for the Coppy of a pannell, and two ſhillings for returne of the pannell, by the Statute of 27.Eliz.cap.12.

Shiriffes ought to let to baile all perſons being in their keeping, by force of any Letter, Bill, or Warrant, in any perſonall action, or vpon Inditement of treſpas vpon reaſonable ſuretie, hauing ſufficient in the County to appeare at the day and place as thoſe Letters, Bills, or Warrants require, except ſuch perſons as are in their guard or cuſtody vpon a capias ad ſatisfaciendū, vtlarie, or excommunication, or for ſurety of the Peace, or by commandment of any Iuſticer, and vagrants which refuſe to ſerue: vide Dier fol. 324. Hee is of opinion that the Marſhall of the Kings benche is within the compaſſe of the Statute of 23.H.6.cap.10. But the Warden of the Fleete and the Keeper of the priſon at Weſtminſter are within the compaſſe of that Statute, for they are excepted.

Note, that a Shiriffe ought to take Bond

for the appearance of his prisoner with two sureties, having sufficient within the same County, otherwise the Obligation is held to be void, and it must be made to the Sheriffe by the name of the Sheriffe, and not to the vnder Sheriffe, and there must be nothing incerted into the Condition of that band but that the defendants shall appeare in ỳ Court from whence the writ issued at the day of the retorne thereof to answer to the plaintiffe in his action. Plowdens Commentaries fol. 68.

If more be incerted into the Obligation then is for the appearance of the partie bound, the Band is void, per Mountague chiefe Justice Commentaries 68. in Manninghams case there,

A void band. A Band entred into by a prisoner, to any person saue onely to the Sheriffe for the inlarging of a prisoner is not good, but meerely void in Law by the statute of 23. H. 6. ca. 10 And so it is where a Band is giuen to the Sheriffe by a stranger for the inlargement of a prisoner that is not baileable per 37. H. 6. & Dyer 2. & 3. P. & M. fol. 119.

A Sheriffe hauing an Attachment retorn̄ coram dicto Rege & consilio suo in camera stellat apud Westm in quindecem Paschæ ad respondend dicto domino Regi & consilio suo de quodam contemptu & ad fac' & resp. vlterius &c. doth arrest the partie, and takes

band

band for his appearance indorced with such condition, that if the party arrested shall personally appeare before the Kings Maiestie, and his Councell at Westminster in Quindecem Paschæ, and then and there shall answer to a contempt by him committed, That then &c. It was a question whether this Bond and condition was good in Law or no because these words then and there were added vnto the condition which was more then the Statute of 23. H. 6. would warrant, and it was demurred on in Law, but by the opinions of Dyer & Windham, it was thought to be a good Band and Condition, notwithstanding those words were added, yet Mead was of a contrary opinion, But Termino Michaelis, Anno 22. & 23. Eliz. iudgement was giuen for the plaintiffe Dyer 364.

Sheriffes ought to take no obligation for any thing whatsoeuer it be, or by colour of their office but only to themselus, nor of any person being in their custody bat by ỹ name of ỹ office naming him sherife in ỹ obligation vpon this condition ỹ the party shall appeare at the day & place in ỹ writ or warrant specified, & if any obligation be taken by color of their office in any other forme it is void 23. H. 6. cap. 10. Forfeit. xl. li.

And shirifs ought to take no more but iiij. d. for making of any obligation, warrant, or precept by the same Law.

And

And Shiriffes ought to make proclamation when they haue receiued letters for the leuying of expences of the Knightes of the Parlieament at the next County-court after the receipt of those letters: and the Coroners ought to be there to sette the wages vpon paine of forty shillings: and they ought to assette euery Hundred at a certaine some by it selfe, and after euery village within the Hundred with a certaine some; and if they do it otherwise, they shall forfeit for euery default twenty pound, and he that will sue shall haue the moytie thereof with treble damages. 23.H.6.cap. 11.

Forfeiture xl.s. & xx.li.

And euery Shiriffe after the receipt of the Kings Writte for sommoning of the Parliament for the election of Knightes for the Parliament, ought forthwith to make out his Warrants vnder the seale of his Office to euery Mayor and Bailiffes of Cities and Boroughes within the County, commaunding them thereby to chose Citizens and Burgesses to come to the Parliament: And those Mayors and Bailiffes must make a lawfull retourne of that precept to the Sheriffe by Indenture made betweene them and the Shirffe of their election, and of their names which are elected: And the Sheriffe must sette his hand and seale of Office to the one part of the Indentures, and then deliuer

uer it to the Maior, or Burgeſſes, or Citizens to bee kept, and to the other part the Maior, and Citizens, or Burgeſſes muſt ſet their hands and ſeales and deliuer it as their deeds to the Sheriffe to be certified and returned by him with the Writ of Sommons to the Clerke of the Crowne, who will haue foure ſhillings for his fees for euery Indenture as I doe take it.

The forme of the Indenture for the Knights for the Parliament.

HEc Indentura fact' in pleno Comit' Southt. tent' apud caſtrum Winton die Lunæ vltim die Maij, anno regni &c. reſting the Kings Style at large, inter F.P. mil' vic' Comitatus predict' ex vna parte & C.H. mil' H.D. arm & D.B. arm &c. & multis alijs perſon' Comitat' pred' & elector' duorum milit' ad Parliamentum in breue huic Indenture conſit' ſpecificat' ex altera parte qui vt maior pars totius Comitatus prædict' tunc ibidem exiſtens Iurat' & examinat' ſecund' vim formam & effectum diuerſorum ſtatutorum inde æditor' & prouiſ. eligerunt

runt H.W. & E.M. mil' infra Comitatu pred' comorantes gladijs cinct' milites habiles & maius idoneos & discret' dantes & consedentes predict' duobus mil' plenam & sufficientem potestatem pro se & totum comit' Comitatu predict' ad faciend' & consentiend' hijs que ad Parliament' in dict' breui content' de communi consil' regni dicti Domini Regis nunc Angliæ contingerit ordinari super negocijs in dicto breui spec'. In cui' rei Testim̃ vni parti huius Indenture penes dictum Dominũ Regem remanent' partes pred' sigilla sua apposuerunt alteri vero parti eiusdem Indent' pred' vic' sigillum suum apposuit dat' die anno & loco supradict' &c.

The forme of the Indenture for the Citizens or Burgesses.

THis Indenture made &c. reciting the day, the yeere, and the kings Stile at large, as before &c. witnesseth that by vertue of a Warrant to me directed from Sr F.P. knight, Sheriffe of the Countie of Southhampton, for the electing and chosing of two Burgesses, men of good vnderstanding, wit, knowledge, and discretion, for causes concerning

cerning the weale publike of this Realme, to be at his Maiesties high Court of Parliament to be holden at his Highnesse Citie of Westminster, the xxvij. day of October nert comming, I I. F. Maior of the borough of C in the County of S. with the whole assent & consent of the rest of ỳ Burgesses there, haue made choise & election of H. M. of the middle Temple Esquire, & W. S. of L. esquire to be Burgesses for our said borough of C. to attẽd at the said parliament, according to the tenor of the said warrãt to me directed in ỳ behalfe In witnes whereof I haue to these presents set our common seale of our said borough, the day and yere first aboue written.

A Sheriffe ought not to execute the office of a Iustice of peace, during the time that he is Sheriffe 1. M. cap. 4.

Where any man by dissimulation, flattery or by any cunning sleight, meanes or practise do make themselues to be beloued of any sole woman, as maide, or widow, wh maide, or widow haue great possessions, or great store of goods or mony, & to deceiue them of it & to gaine it for themselus, do by fraud gaine the possession of such woman, & do conuey & kepe them in such places wher they wil not suffer them to go from them at liberty to dispose of their owne as they list, vnles such maide or widowe will enter into Bond or Statute

to

to pay some great summe of money, or else bind them from marriage with any but to such as they will nominate and appoint, for remedy hereof it is ordeyned, that the party so bound shall haue a Writ in the Chancery conteyning all the matter of such vnreasonable dealing, called a speciall Supplicauit directed to the Sheriffe of that county where such wrong is offered, commanding him thereby to make proclamation at his nert County Court after receit thereof, that the defendant appeare at a certain day and place prefixed in the said Writ before the Chauncelor, or before the Iudges of Assise of that County, or before some other person assigned by the Chauncelor and the Sheriffe is bound to execute such Writtes, according to the tenour of them, vpon paine of three hundred pounds, the one moity thereof to the King, and the other halfe to him that will sue by action of debt, where no wager of Law, protection or forrein plea shall be allowed by the Statute of 31. H. 6. cap. 9.

Forf. CCC. li.

Vpon information made to a Iustice of Peace, or other Iustices, against any person for reteyning or giuing liuery to any, or against any which is reteyned, the Iustices ought to make Procesle vpon this information as vpon a recouery in debt or trespasse, and the Sheriffe ought to returne no lesser

issues

issues in any suit brought hereupon against any person that is sufficient, then twentie shillings at the first day vpon the distresse, and at the second day thirtie shillings, and at the third day fourtie shillings, and so at euerie day after, more by tenne shillings in issues, vpon paine for euery returne twentie shillings. Anno 8.E.4.cap.2.

The auncient Sheriffes may returne Writtes, and execute their office during the termes of Saint Michaell and Hillary after the yeare their office is ended, if they bee not before that time lawfully discharged of their office, 17.E.4.cap.7.

No Sheriffe or any other Officer ought to release or take from any person arrested or imprisoned for felony, his goods, vntill the same person arrested or imprisoned be duely conuicted and attainted of the same felonie, by due course of Law, videlicet, either by tryall, confession, or outlary, vpon paine to forfeit the double value of those goods so taken, to the party grieued, to be recouered by action of debt, Wherein no wager of Law, Essoine, or Protection lyeth, Anno 1.R.3. cap.3.

Sheriffes which haue the custodie of the Gaole, ought to certifie the names of their prisoners which are in their custodie for felonie, to the Iustices of the next generall

Gaole

Gaole deliuery, in a Callender, vpon paine of a hundred shillings for euerie default, Anno 3. H. 7. cap. 3.

Also a Sheriffe, nor no other person in his name, or by his commandement shall enter any plaints into their bookes in any mans name, vnlesse the plaintiffe be there in his proper person, or else by his sufficient attorney or deputy, that is well knowne to be of good name and behauiour, and the plaintiffe ought to find pledges, such persons as are knowne in the Court to pursue his plaint, And a plaintiffe shall haue but one plaint for one trespasse, or one contract, And if the Sheriffe, or any other of his Officers, cause to be entred any more plaints then the plaintiffe hath cause of action for, then the Sheriffe or his Clarke that doth contrarie to this act, shall forfeit for euerie default forty shillings, the moitie to him that will sue and proue the same matter by action of debt, or information.

Also the Sheriffe shall make sufficient precepts after such plaints entred, but not before, against the defendants directed to the Bailiffe of the Hundred to attach or warne the def. to appeare at the next Countie court and answer to the said plaints, and if there be any default in the said Bailiffes in the execution of their Offices, according to the tenor

nor of their precept, then they are to forfeit xl.s. and to be conuicted therof by examination of the Iust. of P. or by any of them.

Also the same Sherife, nor their deputies shall make any extracts to leuy ẏ shire amerciaments, vntill ẏ two Iust. of P. whereof one to be of the Quor, haue the sight of their bookes, & the extracts to be indented betwen the Iust. of P. & the Sheriffe, & vnder sheriffe sealed with their seales, the one part therof to remaine with the said Iustices, and the other part with the Sheriffe for his warrant to leuie the amerciament by.

And that those persons that shall be gatherers of the said amerciaments shalbe sworne by the said Iustices, that they take no more money then is forfeit, and certified in their extracts, sealed with the seales of the Iustices to the same, vpon the same paine of forfeiture as is aboue rehearsed, to be conuict by examination of the same Iustices, or one of them, And the same Iustices of Peace shall be appointed at the Sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the Eldest of the Quorum, to haue the controlment of the said Sheriffes, vnder Sheriffes, Shire Clarkes, and others of their said Officers, and the said Sheriffes amerciaments, And the said Iustices of Peace, vpon suggestion shall make processe against

againe the Sheriffe, vnder Sheriffe, Sheire Clerke, or other Officers to appeare before them to answer to such suggestion or information as is vsed in actions of Trespasse by the Statute of 11.H.7.cap.15.

Also euery Sheriffe vpon a Precept to him directed from the Iustices of Peace to returne them a Iury to inquire of any Riot, or vnlawfull assembly committed, shall returne foure and twenty persons, dwelling in the Shire, euerie one of them hauing twentie shillings per annum, of freehold, or twentie fiue shillings eight pence per annum, copihold, or of both, besides all charges, and to returne in issues vpon euery person which maketh default twenty shillings at the first day and at the second day fourty shillings, and if default be in the Sheriffe for returning of persons insufficient or for not returning of issues in forme aforesaid, then he doth forfeit twentie pound, Anno 19.H.7.cap.13.

Also if any Riot or vnlawfull assembly be in any part of the Realme, the Iustices of Peace, or two of them at the least, and the Sheriffe, or vnder Sheriffe may come with the power of the Countie if need be, and arrest and restraine such misdoers, and these Iustices and the Sheriffe haue power to record that which they find done in their presence against the Law, And such misdoers

shall

shalbe conuict by that Record: And if they be gone before the comming of the Iustices, and the Sheriffe or Undersheriffe, then the same Iustices, or two of them, ought diligently to enquire thereof within one moneth after such Ryot or assembly made, and if the truth cannot be found out within one moneth then next ensuing, then those Iustices or two of them, and the Sheriffe or Undersheriffe shall certifie the King and his Counsell thereof, and of all the circumstances thereof; which Certificat shall be as an Indictment of twelue men, whereunto they shall be compelled to answer, Anñ 13. H. 4. cap. vltimo.

And if the said Ryot or vnlawfull assembly be not found by reason of any Imbraceries or maintenances of the said Jury, then the saide Iustices of Peace, and the Sheriffe and Undersheriffe ouer and beside such Certificate that they must make, according to the said Statute of Anñ decimo tertio Hen. quart, shall in the same Certificate certifie the names of the same mainteyners and imbraceors in that behalfe, if any be, with their misdemeanors that they know, vpon paine of euery of the said Iustices and Sheriffe and Undersheriffe twentie pound, if they haue no reasonable excuse for non certifying

of the same which certificat so made shall be one Indictment in the Law, and euery person duely proued to be a maintainer or imbracer shall forfeite twenty pound, and bee committed to ward there, to remaine by the discretion of the Justices, Anno decimo nono Hen. septimo. cap. 13.

Also that no Sheriffe vpon writs and precepts directed vnto him to returne before Escheators, or Commissioners shall returne any person to enquire of any Lands or Tenements except he haue Lands or Tenements of the yeerely value of forty shillings aboue all charges in the same Shire vpon paine of forfeiture for euery person so returned, an hundred shillings, Anno tertio Hen. octauo cap. 2.

Also all pannels put in by the Sheriffe before any Justices of Gaole deliuery, or before Justices of Peace, whereof one be of the Quorum in their open Sessions, to enquire for the king may be reformed by putting to and taking fro of the names so empannelled by discretion of the same Justices, and that the same Justice or Justices shall command euery sheriff & their ministers in their absēce to put other persōs in ỳ same panels by their discretiō, & the same pannell so returned by ỳ Justice to be good, and if any Sheriffe doe not

not returne the same Pannels so reformed then euery Sheriffe so offending shall forfeit twenty pound, halfe to him that will sue by action of debt, bill or complaint, where such shall happen to be, and no wager of Law, Essoine, or Protection therin to be allowed. tertio Henr octauo capitulo duodecimo.

Also vpon euery Exigent where writs of Proclamation are to be awarded, the same writ of Proclamation is to haue the same day of returne that the Exigent hath, and to be deliuered of Record by the Exigenter of euery Shire. And the Sheriffe is to make Proclamation three seuerall dayes in his County whereof one Proclamation is to be made at the generall Sessions in those parts where the party is supposed to be dwelling there to yeeld his body to the Sheriffe of the foreiene Shire, that that Sheriffe may haue the body at the day of the returne of the Exigent to answere to the plaintiffe. And that the Sheriffe of the County that hath such writ of Proclamation, duely execute and returne the same, at the day vpon paine to forfeit such amerciament as by the Iustices before whom the said Writs shall be returnable shall be assessed. Anno 6. H. 8. cap. 4.

Also Sheriffes which haue the cuſtody of Gaoles ſhall make ſeales to be grauen with the name of the Caſtle that they kéepe for to giue and ſeale Letters to priſoners acquited to begge for their fées within the Hundred where they be deliuered by the ſpace of fiue wéekes next after their deliuerie, and then to goe to the Hundred where they laſt dwelled by the ſpace of three yeares, or where they were borne: the Sheriffe ſhall not ſuffer ſuch priſoners to begge for their fées, nor to departout of priſon to doe ſeruice and labour, vntill he deliuer to them ſuch Letters, and the Clerke of the Peace is to make ſuch Letters within one day after the ſeſſions, when ſuch priſoner is acquited, vpon paine of xx.s. to the King by the Statute of 22. H.8. ca.21. & 5. Eliz. ca.4.

Sheriffes ought to kéepe their Countie Court euerie moneth, if it hath béene accuſtomed to bée ſo kept. Magna Charta capitul' 33.

The King commaunds that Sheriffes and their Officers which receiue his debts, ſhall acquite the debtors vpon their account when they haue receiued his debts, and then it ſhall be allowed vpon their accompts in the Exchequer: and if the Sheriffe do otherwiſe, and be thereof conuicted, he ſhall then pay

pay three times so much as he hath receiued to the partie grieued, and also be fined at the Kings pleasure, Westm̃ 1. cap. 20.

Sheriffes and others which haue leuied the Kings debts, and giuen acquittances to the debtors, and yet doe not acquite them, it is accorded and set downe for a Law, that when the Sheriffe is impleaded for it in the Exchequer, if hee come not in vpon the first distresse, then shall go out another with proclamation, which must be made in full countie, that the defendant doe come in at a day certaine, and acquite the debtor of the money which he did receiue, and if he come not in, then he shall be conuicted by default, and the debt leuied vpon him as a debt recouered against him in the Kings Court, and the plaintife shall haue therein dammages according to the discretion of the Barons, by the Statute of decimo quarto Edwardi tertij cap. 1.

And it is the Kings commaundement that all Sheriffes and Bayliffes which haue receiued the Kings debts of the summons of the Exchequer, if they acquite not the debtors vpon their accompt, that then they shall be punished according to the Statute de Districtionibus Scaccarij cap. 5.

And it is ordeined that execution of writs

which are brought to Sheriffes should bee done by the Bailiffes of Hundreds sworne and knowne, and in full County and not by others vnlesse those Bailiffes will not or cannot execute them, then they are to bee done by other conuenient person or persons sworne by the Statute of Lincolne ca. vltimo.

No Sheriffe shall suffer a Barreter to maintaine any actions or quarrels in their County Courts, nor Stewards of great men or others which is not Atturney to his Lord or master, nor they shall not pronounce iudgments, there vnlesse they be thereunto required by all the suiters, Westminst. 1. cap. 23.

It shall be lawfull for euery Sheriffe, Iustice of Peace, and Escheator to sease to the Kings vse all such goods and chattels as Egyptians, haue within their charge and thereof to giue an account to the King in his Exchequer for the moity thereof and to detaine and keepe the other moity to his owne vse and to pay no fees for the account nor for the charge thereof.

In these Statutes it appeareth what things Sheriffes ought to doe by reason of their office, and that they ought to take nothing for doing of their office, but that onely

which

which is appointed for them to take by the same Statutes, if they do otherwise it is extortion in them, and it ought to be enquired of by the Justices of Peace, and by them punished accordingly.

And it is ordained by the Statute of primo Henr quarti capitulo quinto, that if any Sheriffe doe any extortion to the people and thereof be duly attainted that he shall be duly punished for the same extortion at the Kings will.

A Sheriffe may and ought at his Turnes to enquire of Common Nevsances done to all the Kings Subiects but not of Assaults made to a sole person, Per Martiñ Anno quarto Hen. sexti octauo Edw. quarto, quinto Dyer 234.

A Sheriffe ought to kéepe his Turnes within a moneth after Easter and within a moneth after Michaelmas, and if he kéepe it at any other time after the moneth, it is voide by the Statute of decimo tertio Edw. tertij capitulo decimo nono, and all Indictments and presentments taken there after the moneths are expired, are voide by the Statute of 38. H. 6.

A Sheriffe may enquire of bloodsheddes in his Turne, for if any thing bee omitted in a Léete, it may bee enquired of at the Sheriffes Turne for all Leetes

were deriued and taken out of the Sheriffes Turne, Pasc' 8.Ed.4.29.Ed.3.27.43.E.3.& 20. 20.E.3.3.

And all the Iustices were of opinion that a Sheriffe hath authoritie to inquire of all things in his Turne that is eyther trespasse or felony at the common Law, except of the death of man, but he cannot enquire of trespasse or felony by Statute in his Turne, 28.E.3.95. 21.E.4.

If a Sheriffe inquire of Newsance in his Turne, and it is there found, which should haue bene enquired of in a Leete: now the sheriffe cannot distraine for his amerciamēt, for if he doe he is a trespasser. But if default be in the Lord of the Leete for that he did not inquire thereof, it seemeth then that the sheriffe by the Lords default may inquire thereof in his Turn, 28.E.3.95. 29.E.3.27.10.H.4 21 E.3.3.

If a man haue a Fayre or a Market by graunt, or by prescription, and doth not keep his Fayre or Market as he ought to doe, the Sheriffe may enquire of this in his Turne.

Upon a presentment of a Newsance in the Sheriffes Turne the offendor shall be amerced, there the Sherife may distraine for that amerciament. And if a Purpresture be presented there, the Sherife may abate it and return it Pasch' 26.E.3.

It appeareth by maſter Britton, that all the Frœholders & terre Tenants inhabiting within the Hundred, ought to come to the ſheriffes torne, none excepted, but Knights and Clergie men, their wiues and children, And there, twelue at the leaſt of the ſufficienteſt frœholders within the hundred ought to be impannelled and ſworne to inquire and preſent all thinges there inquirable and preſentable, and all the reſt which appeare there ought to bee ſworne by the dozeners and villages to preſent to the ſaid Iurie all ſuch things as ſhal be giuen them in charge, and it ſeemeth that the Sherife ought to kœpe his torne in euery Hundred within his Countie, and there puniſh all things which haue been omitted at the leets or law daies there.

Alſo by the ſame Law, it ſeemeth that they ought to inquire there of Petie Treaſons, Homicides, Rapes, Robberies, Burglaries, and of all manner of Felonies by the Common Law, and of all other things inquirable at a Leete, according to the Statute of 18. Edward. 2. de Vic' Franc'. Pleg'.

And when the dozeners and villages haue deliuered their preſentments to the ſaid Iurie, and the Iury when they are agreed of their preſentments, then they

must giue vp to the Steward or Court-kee-per such presentments as they will stand to, & avow, & if there be any of felony they must deliuer these vp by themselues to the Stew-ard priuily, and the rest openly.

But this Court is now almost out of vse since sheriffes haue vsed to sell both their She-rifwicks and Bailiwicks to men of meane estate that will not regard the good of the common wealth, but altogether their owne priuate gaine and profit, wherby the king is many times much wronged, and deceiued, betweene the vndersheriffe, and the bailifes, of all his wayfes, streyes, and felons goods, which are taken vp by the bailifs and neuer accounted for, which may touch the sheriffe in his credit and reputation, for when he en-treth into his account for the payment of the Kings debts, he is then sworne to answere and account for all waifes, streyes, and fe-lons goods, debts, perquisits, & profits which he seldome or neuer knowes of, because those ancient Courts are not kept as they ought to be, & therefore how he may dispence with his oath herein is the question.

There is a writ in the register fol. 174. whereby a sheriffe may remoue all his Bay-liffes of Hundreds, wapentakes, tythings, and liberties which haue not lands or tene-ments sufficient within the County. And

Shrife

Sheriffs bailiffes one yeere, ought not to be in that office in three yeeres after by the ſtatute of 1. Henr. 5. cap. 4. becauſe by their continuall being in the office, they grow ſo cunning that they are able to deceiue both the King the Sheriffe and the Countrey.

And Sheriffes bailiffs ought to be ſworn to the ſupremacie and to exerciſe their office duely and truely by the Statute of 27. Eliz. cap. 12.

The nature of Executions, and of how many ſorts they are.

They are of fiue ſorts or degrées, viz. vpon a Statute Merchant, A Statute Staple, A Recogniſance, an Eligit, a Capias ad ſatisfaciend', and a fieri fac' and a Sheriffe cannot lawfully breake any mans houſe to doe executiõ vpõ any of theſe iuſtifiable, except the King be a party for domus ſua cuique eſt tutiſſimum refugium, as hereafter ſhal appeare. If a man be bound in a Statut Merchant execution ſhall be done thereof thus, firſt a Writ of Certiorare muſt be ſued forth of the Chauncery, directed to the place where the Statute was acknowledged to certifie the acknowledgement of the

the ſtatute into the petie bagge office in the Chancerie, and vpon that certificate ſhall go out a Capias againſt the body only, ſi laicus ſit, returnable in the court of common pleas, or in the kings bench: And vpon the return of that, with the ſherif of that ſhire to whom it was directed, quod laicus eſt, & non eſt inuentus in balliua ſua, then within a quarter of a yere after ſhal go out an Extent againſt all the cogniſors landes, and goods, and againſt his bodie, and for your better ſatiſfaction herein ſée the ſtatute de Mercatoribus 37.H.6.fol.6. and Fitzherbert 130. G.

A Statute Staple muſt be certified in the like maner as a Statute Merchant, and vpon that ſhall goe forth a writ of execution both againſt body, lands, and goods, returnable in the Chancery in the petie bagge office there, and not in the court of common pleas, or kings bench, as the writ of execution vpon a ſtatute merchant ſhal: and vpon the returne of this writ ſuch landes and goodes as are taken in execution ſhalbe deliuered to the cogniſée, by the ſherife by another writ called a Liberate, and not before, And note that all the fée ſimple lands, which the cogniſor had at the time of the acknowledging of the ſaid ſtatut, or at any time after, are liable to both the ſaid ſtatuts, but no intailed land, but during

ring the cogniſors life, nor no copihold land, nor no goods, or leaſes for life, or yeares, but ſuch as the recogniſor hath in his owne vſe and poſſeſſion at the time of the execution done, Fitzh. 131. D.

Note that if a ſtatute ſtaple be returned and filed, the cogniſée can haue no Liberate into any other county. 2. R. 3. fo. 7.

Vpon a Recogniſance there ſhall not goe out a Capias, but Scire facias retornable in ỹ Chancerie, and vpon ỹ retorne thereof they do vſe to awarde a Capias, a Fieri facias, or an Elegit, at the choice and election of the cogniſée. 48. E. 3. fo. 14.

By an Elegit the ſherife may take in execution one halfe of the land of the cogniſor, & all his goods, preter boues & affros de caruca ſua. A Capias ad ſatisfaciendum is onely againſt the body, which the ſherife muſt bee ſure to keepe ſafe, or elſe he may perhaps pay the debt if his priſoner do eſcape either with his leaue or conſent, after that hee is once in execution, for then the ſherife hath ſmall remedie or none at all, but if hee doe eſcape againſt the ſherifes will, and without his conſent, then the ſherife may take him againe if he can find him, by the ſame writ before the retorne thereof, or by another after, though it be in another ſhire, ſo that he bee followed with freſh ſuit, and taken againe before the action

action brought by the plaintiffe against the sheriffe, for the escape, howsoeuer the sheriffe in this case may haue his remedy against his prisoner by his action vpon the case, if he be able to make him satisfaction, otherwise he may keepe his body, and his prisoner in this case shall not be deliuered by supersedeas vpon audita querela, because he cannot take any benefit of his owne wrong. But otherwise it is when a prisoner escapes with the consent of the sheriffe or Gailor, for then he shall haue and maintaine if he will an audita querela against a sheriffe, or a Gailor, as it appeareth in my Lord Cokes 3. booke of Reports, fol. 43. & 44. in Boytons case there.

And in my Lord Cokes said third booke of Reports, it is resolued for Law, That if a sheriffe die in the time of his office, hauing diuers persons in his custody, and after a new sheriff is chosen in his place, in this case it behoues the new sheriffe to take notice at his perill of all the executions which are against any person which he finds in the Gaile, and that is a matter of necessity, for in that case there is no man in rerum natura to deliuer the prisoners vnto him.

Also in the same case it is resolued that if a sheriffe die in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution,

execution, breakes the prison, and so is at large, this is no escape, and the reason is there alledged, because when the shirife dyes all his prisoners were in the custody of the Law, vntill a new sheriffe was chosen, and set in his place, and therefore although that the prisoners be in the interim out of the wals of ỳ prisõ, yet the law hath ỳ custody of thẽ, & preserues thẽ in executiõ without any fresh suite made after them, whersoeuer they be, and they may be fetched againe in execution at any time after, if they can be found, and no escape in this case can preiudice the plaintiffe.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintiffe for his debt for which he is in execution vpon a Capias ad satisfaciend in this case the plaintiffe shall haue an Elegit against the defendants Lands, and goods if he had any lands, in fee simple, at or any time after the Iudgement was had against him, or any goods at the time of his death, And it is Bloumfields case, in the fift booke of Sir Edward Cokes Reports, fol. 87. and Fitz. nat bre fo. 246.

Also when a man is in the sheriffes custody by proces of Law & after another writ is deliuered to the sheriffe against the body of him which is then in his custodie, the

the Sherife in this case must be answerable for his prisoner, although hee doe not arrest him by the second Writ, by the iudgement of the Law, for Lex non præcipit in vtilia, And this in Frosts case in the fift booke of Reports fo.89. and with this agréeth 7.H.4.30.

If a Capias, viz. a meane proces be executed, and not returned, the arrest is tortious and a wrong, for ỹ arrest is made to that end that the def. should appeare to answer to the pl. in his action, but in all writs of execution except an Elegit, if the execution be duly done, although the writ be neuer returned or filed, it is no great matter if the pl. haue his demand; for then he hath no cause to proceed any further therein: But in case of an Elegit because the Extent is to bee made by an Inquest, & not by the sherif alone, that ought to be returned, or else it is nothing worth, as it appeareth in Hoes case in the said 5. booke of Reports fo.90. and by Fulwoods case in the 4. booke fo.65.

Also it is resolued in Seymans case in the said 5. booke of Reports fol.91. that a mans house is to him his castle, aswell for his defence against iniury and violence, as for his rest and repose, and that a Sherife cannot iustifie the breaking of any mans house to execute a Capias ad satisfaciendum, or a

Fieri

Fieri fac' but if he do, it is at his peril, and he is therein a treſpaſſer, if the king be not a party, for domus ſua cuique tutiſſimum eſt refugium, but if the king be a party, then the ſheriffe may iuſtifie the breaking of a houſe to do execution of his proces, if he cannot otherwiſe execute his proces, but firſt he ought to make requeſt to open the doze by the Statute of Weſtminſt. 1. cap. 17. & 41. of the Aſſiſe placit. 17. if he breake the dozes when he may enter otherwiſe, yet in the ſaid Seymans caſe, it is reſolued, That a Sheriffe vpon an habere fac' ſeiſinam or poſſeſſionem may breake a houſe and deliuer ſeaſon and poſſeſſion thereof to the plaintiffe, and the reaſon therein is, becauſe that after Iudgement, it is not the defendants houſe in right and iudgement of Law.

Alſo whether it be for felony or ſuſpition of felony, the kings officer may breake another mans houſe to apprehend a theefe, & that for two reaſons, viz. one for the good of the common wealth, and the other is for the ſeruice & duty which he owes to his prince, for in euery felony, the King hath an intereſt, and where the King hath any intereſt, the Writte is A non omitt propter aliquam libertatem, and therefore the libertie or priuiledge of any mans houſe will not hold againſt the King, but where the King

hath no interest, but onely a common person A shirife although he make request to open the doores, and deniall is made, if he should then breake them, and so enter and do execution, therof might rise great inconuenience, that men in the night as welas in the day, should haue their houses broken vpon any fained matter, for although that a sherife bee an officer of great authority and trust, yet it appeareth by daily experience, that all or the most part of the kings writs, are executed, and serued, by vndershirifes and Bailifes, which most commonly are persons of small vallue and account, And all the authorities which do proue that when the proces do concerne the king, that the sherife may then breake the house of any subiect to execute them, if otherwise he cannot execute thē, implieth that at the suite of a common person the house cānot be broken iustifiably, & with this resolution agreeth the booke in 6.E.4.f.9. A fieri fac' is onely against the goods, and chattels of a man, as moueable goods, or leases for yeres, and the sherife had need to be very carefull how, and after what maner, he doth execute this writ, lest he burne his fingers, for if the goods or leases, which he taketh in execution be not the defendants own goods, or leases, although he may find them

in

in the possession of the defendant, which is the best colour in Law to proue them his, if he vse them and take the profit & benefite of them, as appeareth in Twynes case in Sr. E. Coke 3. booke of reports. fol. 8.

Also somtimes it doth fall out that the goods and chatels which a sheriffe vpon such a writ taketh in execution are not the defendants, and then the sheriffe is a trespasser to the owner of the goods, as if the lands be pawned to the defendants, they are none of his vntill the day of the redæming of them be past, 34. H. 8. Pledges & 28. & 4. E. 6. distr. 75. So if a man bona fide, make a lease of his oxen for yæres, and after is condemned in a personall action, these oxen during the time shal not be taken in execution. 22 E. 4. fo. 10.

In debt where thræ are bound ieintly, and seuerally, and thræ Iudgments are had against them, in this case if execution be done against one of them, the others shall haue a supersedias, But in trespasse against thræ, execution against one of them sufficeth not, and the same Law is in a ioynt debt, 4. E. fol. 4. 39.

If goods taken in execution vpon tryall are found to be none of the defendants, then the sheriffe shall pay damages to the owner of the goods to the value of the goods so taken, and

costs of suite, although he hath deliuered the to the plaintife in execution, or if he haue not deliuered them to the plaintife, if hee haue returned his writs, that he hath taken so much goods of the defendants, and that hee hath denarrios illos parat ad reddend to the plaintife, then he is at a double mischiefe, for although the value of the goods be recouered against him by the owner of the goods, yet the plaintife in the action may within the yeere after execution done, haue a Scire fac vpon the iudgement and returne, and thereby compell the sherife to bring the money into the Court, and after the yere he may haue an action of debt against the sherife for it, if he be not otherwise ordered by the Court where the Iudgement is depending. And therefore in this case the surest course for the sherife, is either to keepe the goods vntill the parties be agreed, or else to take good security of the plaintife to defend him and saue him harmeleſſe, and to stay the returning of his writs, vntill he may be well aduised what to doe therein, for if he take a bond of the plaintife, it is questionable whether it be good or no in Law, and not within the compasse of the Stat. of 23. H. 6. to be taken colore officij sed hoc quere.

It is resolued in Mittons case in my L. C. 4. b. of Rep. f. 33. & 34. that both the Co. C. and

& the Gaole are appertinent & belonging to the sheriffes office, & ought not to be seuered, no more thē the sheriffs torne from the office, & it was the opinions of Poph. & Anders. the 2. L. chiefe Iustices, & with that agreeth the Iudgment of the Parli. An. 14. E. 3. ca. 10.

Now next I will say something as concerning a sheriffes account, which will trouble him most of all, if he be neuer so skilfull therein, it is so tedious & so chargeable, for if he get by his office, he wil go nigh to be stripped cleane out of it in paying of Erch. fées, & other extraordinary charges wh he cannot auoid, as experience hath taught me, & there is no way to help it as I think, but by an act of Parl. & therefore it is no maruell that the Undersheriffs make shipwrack of their consciences, to catch what they can to saue thē selues, & that which they had before they entred into that office, for what betwéen some of their high sheriffes couetousnes in taking mony for their office, & extremity shewed to them & their sureties vpō euery light & small occasion, & the extreme taking of ordinary & extraordinary fées of Erch. men, a poore Undersh. is stripped out of all that euer he hath, or can make, if he do not hedge so, as he may bee still in action euery yeere, as a Fore is stripped out of his skinne, and yet few or none will pitty him, for in euery Court

where he is called in queſtion, the name of an vndersherif is ſo odious, and many times not without iuſt cauſe, that many times an honeſt man is condemned to be a knaue, before he is heard ſpeake for himſelfe, ney he is ſo odious (I meane a lewd extorting vndersheriffe) that a theefe by the Kings generall pardon, receiues more fauour then he can, for a theefe is thereby pardoned of all felonies, for the which he might haue the benefit of his Clergie, although he cannot reade, but all miſdemeanors committed by an vndersheriffe, are commonly executed out of the generall pardon, which is somewhat harſh, that all ſhall be condemned for ſome, for there is neuer an officer the King hath, taketh more paines, and vndergoes more perils, and doth the King better ſeruice, then an honeſt vnderſtanding and a carefull Vndersheriffe doth, but commonly theſe do dye beggers, by reaſon of the cauſes before alledged.

The entrance into the Sheriffes Account.

Firſt in Hillary Terme next after they are out of office, the high Sherife and vndersherife of moſt ſhires, are ſworne to yeelde and giue a iuſt & a true account to the king & his officers in the Exchequer of the Kings debts,

debts, which they shalbe charged withall by the greene ware of the Exchequer, and of all wayfes, ſtreyes, and felons goods, which happened within the compas of their office, and of all other profits whatſoeuer, due and belonging to the King, and chargeable by them to anſwer for, by reaſon of their office, or much to this effect. Now when this is done, the high Sherife commonly takes no further care, becauſe he thinkes himſelfe ſecure, by reaſon of his ſecurity which he hath of his vnderſherife, for thereupon he relyes and ſeldome or neuer remembers what oath he hath taken, and ſo commits all to his vnderſherife, then if his vnderſherife be a carefull and an honeſt man, and haue ſkill and regard to doe his beſt indeuour to leuy the Kings debts, and to pay them into the receit duely and orderly, as they ought to be, then the high Sherife may doe well enough, and therein diſcharge both his oath and his dutie, but if otherwiſe, a lewd, or an ignorant vnderſherife, may both vndoe his high ſherife, and himſelfe, both in this world, and in the world to come, by totting and nichiling, that is, in charging or diſcharging, vnorderly vnhoneſtly, or ignorantly, for if it be totted, that is charged, though it can neuer be leuied, it wil now hardly be auoided, but it muſt

be paid, and if it be nichiled, if it be iſſues of Iurors though they bee neuer ſo bad, and cannot be leuyed, betweene the old Sheriffe which returned them, and the new Sheriffe which nichiled them, they muſt bee paid though it be ſeuen yeares after, if there come no pardon in the meane time, by an old Statute law made in the 27. yeare of Edw. 1. and to preuent this it behoues all Sheriffes before they take vpon them to returne any Iurors to get them a perfect booke of all the ſufficient freeholders names in the ſhire and eſpecially of all which dwell in the gildable, howſoeuer thy do of thoſe which are in liberties, but of both is beſt, that the one may help the other, and to returne few or none that be meane Freeholders in the gildable, leſt by the ſaid Law they be inforced to pay their iſſues for them, which is a thing very hardly to be brought to paſſe, vnleſſe the Iuſtices of P. in euery quarter of the country, doe cauſe the Conſtables, and Bailiffs to bring a true certificat therof to the firſt quarter Seſſions that ſhalbe holden in the ſhire after the election of the new ſheriffe to be deliuered vnto him there, and this will hardly be done, vnleſſe the Iudges of Aſſiſe of euery ſhire wilbe pleaſed to write their letters to that end and purpoſe to the Iuſtices of Peace of euery diuiſion.

Now

Now next the Undersheriffe must go to the forren Apposer, and with him he must either tot, nichil, or set ouer into liberties, al the debts & sums of mony contained in the Sommons of the gr. ware & in ỹ Extracts of the P. of the Co. where he was Undersh. wherin he must be very carefull what he doth lest he do that w̄ he cannot vndo againe, & to preuent the danger therof, his best way is to examine his book which he is to make of all the charge contained in his sōmons & sceduls before and with the Bai. of the shire to haue their direction, which are good debts & which are not, & which are in liberties & which are not, if he himselfe do not know it, before he come to his account, & then make his bookes accordingly, & then he shalbe the better able to performe the duty of an honest man, when he comes to his Apposals, but herein if the sheriffe know not well the countrey, and the Kings debters himselfe, he is many times abused by his Bailiffs, who most dishonestly will misinforme him, & for bribs & rewards; which they take of the Freeholders, will tell him that they are either long since dead, or nothing worth, when as they are liuing, and very sufficient, and they will also serue him so, with his Recognisances, and by that meanes dishonest Bailiffes doe cause Sheriffes to deceiue the King of many

of

of his debts by their ignorance against their wills, in trusting to the reports and informations of their Bayliffes: and this cannot be helped vnlesse the Sheriffes will leuie the Kings money themselues, which they cannot possibly doe, by reason of their other businesse, or had trustie seruants about them to do it truly, and honestly, without grieuance of the countrey as it ought to be.

¶ A particular of the ordinarie charges of the Accompt of *the Sheriffe of the County of South*-hampton, heretofore vſed to be paid, as followeth.

INprimis, to his Atturney in Mr Osbornes Office for his warrãt of Attorney y.s.vj.d. Termiñ ſancti Hill' Cro Purificationis, when he entreth into his Account.

Item to him for his fées, and I cannot tell for what elſe, xx.s.

Item to his man for his fées vj.s.viij.d.

Item to another in that office for entring of that warrant. xij.d.

Item to the puny Baron for miniſtring of the oath. y.s.

Item to the Cryers and Tipſtaues there, xx.s.

Item to the Marſhall then and there, vj.s.viij.d.

Item to the forrein Appoſer for his fée, iij.li.x.s.

Item to his men x.s.

Item to the Clarke of the Extracts for his fée xx.s.

Item to his men x.s.

Item

Item to his Atturney in the Pype for his fées v.li.
Item to his man for his fée xx.s.
Item to the deputy of the Pype for his fées xxiij.s.iiij.d
Item to the Controller of the Pype for his fées xxvj.s.viij.d.
Item to his man for his fée x.s.
Item to Mr. Orms of the Pype for his fées xvj.s.viij.d.
Item to the Baron for the appoſell vpon the ſummons of the Pype x.s.
Item to him for his fée for the vicõtels x.s.
Item to his man for his fée for ỹ ſame v.s.
Item to his Atturny in the kings remembrancers office for his fée iij.s.iiij.d.
Item to his man iij.s.viij.d.
Item for a writ of Aſſiſtance from your Atturny in Mr. Osborns office v.s.viij.d.

Termino Paſche.

Inprimis to the Mr. of the Pype for his fée xviij.li.v.s.
Item to the Maſt. of the Wardrop for his fée v.li.xj.s.ix.d.
Item to him for a Tally to haue thereby an allowance giuen for it xvj.d.
Item for ioyning of that Tally in the pype iij.s.iiij.d.
Item for Maſt. Elſons fée for the forreſt of Welbeare in Hampſhire iij.li.x.d.

Item

Item for the Earle of Pembroks fee for Burley wall in the Newforrest in the said County ir.li.y.s.vj.d.

Item to S. Will. Kings mill for his fee and reparations of Fremantle Parke in the said County rrir.li.rvij.s.v.d.ob.

All these fine last payments are allowed vpon the Sherifes account, out of the Kings money, ẅ otherwise should be paid to ỹ Ki.

Item to the forren apposer for his fee for allowance of Justices wages to the Sherife vpon the Extracts of the Peace rl.s.

Item to his men for their fees xiij.s.iij.d.

And herein the sheriffe of the said County is wronged by the Clerke of the Peace of the said County, for the Clerke of the P. there receiues all the fines, and payes the wages, & if there be any surplusage he puts it vp in his owne purse, and the sheriffe payes it to the King and neuer hath it, because the fines are all certified in the Extracts of the Peace, and many times the fines doe exceed the wages of the Justices which are allowed to the sheriffe for the wages, for he is allowed but iij.s. a day a peece for eight Justices, & therfore accounting the fees which he payes to the officers in the Exchequer for his allowance, he is a great loser by it, and the Clerke of the Peace goes away with the gaynes, therefore this would be remedied.

Item

Item to the forren Apposer for calling vp of the debet vpon the scedules of the græne ware. v.s.

Item to the Auditor assigned for the shire for declaring of the account. x.li. at the least.

Item to the Atturney of ỹ pype for giuing allowance of the Iustices wages, before allowed by the forren Apposer in the shiriffes account. xiij.s.iij.d.

Item to him for giuing allowance of Elkons acquitance. vj.s.viij.d.

Item to him for the fote of the Account xxxiij.s.iij.d.

Item to his man for his paines take therin x.s.

Item to the Baron for declaring of the account vj.s.viij.d.

Item to his man for his fee ij.s.

Item to his Attorny in the Kings remembrācers office, for examining of ỹ accoũt, v.s.

Item to one of Ma. Osbornes office for receiuing of the account v.s.

Item for copies of the seisures which the Sheriffe makes himselfe in his yeare in M. Osbornes office cõmonly at the least, v.li.

Item for copies of the new seisures on the K. Rememb. side, according to the number of them, but cõmonly they come to about xx.s.

Item you must Isaue with your Attorney in M. Osbornes office in part of payment for making

making your petition vpon your account, for they will coſt you iiy.s. a peece, and you may perhaps haue C. r. li.

Item for another writ of Aſſiſtance there, v.s.vj.d.

Item for entring the view of the account in Mr. Osbornes office vj.s. iiy.d. Termino Trinitatis.

Item in the Alienation office for viewing of the account, and for a note of the charge there iy.s.iiy.d.

Item if the Sheriffe take the benefite of a generall pardon, then he muſt go to ỳ Clerke of the Extracts to haue ſcedules made of all ſuch iſſues as are pardoned, and they wil coſt him for euery ſcedule (as I remember,) xx.d. which may come to iiy. or v l. or therabouts.

Item to the Clarke of the Extracts man for his paines therein xiy.s.iiy.d.

Item then to a Baron for allowing of thē, xiy.s.iiy.d.

Item to the Barons man iiy.s.

And this muſt all goe out of the Sheriffs purſe without any allowance: and it is better then to oppreſſe the Countrey when they may be eaſed by the pardon. For if the Sheriffe leuie any, he muſt pay it into the receit, or elſe he is forſworne.

Then if you carried any priſoners by writ or commandement from the Iudges of aſſiſe you

you must goe to the chiefe Iudge of Assise for his warrant, and get your allowance vnder his hand as good cheape as you can, for some of his men will haue money of you for it, x.s. at the least.

And then when you haue his hand to it, you must go to the Chancellor of the Exchequer for his hand to it, and his man will looke for to haue for his paines therein taken at the least x.s.

Also in the Alienation office it will cost you for making of the bond and acquitance, with the Scedule of seasures against such as haue sold land held of the king without licence of Alienation xl.s.vj.d.

Item for a warrant for a day to finish the Account vntill Mich. terme, which now will hardly be gotten without extraordinary fauour, xl.s.

Item to th'Atturny in the Pype office, for setting of from the Account, sire Amerciaments, xx.s.

Item to his man for his paines therein to be taken x.s.

Item paid for discharging of the amerciaments in Mr. Osbornes office xx.s.

Item for a warrant to set of, and discharge in Sr. Hen. Fanshawes office xy.s.vj.d.

Item for another Writte of Assistance, v.s.vj.

Item

Item to the Marshall for liberty if the Sheriffe cannot go thorow with his account in Trinity terme. iiij.li.vj.s.viij.d.

Item to his man vj.s.viij.d.

Item to Mast. Osborne for ruling of your peticions xl.s.

Item more to his Attorney in the said Office for making the peticions v.li.

Item to his man for his paines taken therein xl.s.

Item to the Maker of the Pipe for his fee xxiij.s.iiij.d.

Item to the Controller of the Pipe for his fee xx.s.

Item to his man viij.s.vj.d.

Item to your Att. of ỹ Pipe for his fee v.li.

Item to his man xxij.s.

Item for the Acquitances of two tallies in the receyt ij.s.

Item for striking of those tallies ij.s.iiij.d.

Item for ioyning and allowing of an other tally for paiment of a debt de remanent compoti v.s.

Item to two Auditors for casting vp of a sheriffes account in the Court when he is to be cast out of the Court x.s.

Item to the Baron then xx.s.

Item to his men vij.s.

Item to the Marshall then vj.s.viij.d.

Item to the tipstaues & cryers then x.s.

Item to the Clarke of the Pipe for Recusants xxx.s.

Item for allowing and joyning of the tally for Recusants debts vj.s.

Item to the Baron for respects for Recusants debts xxx.s.

Item to the Clarke of the Pipe for Recusants for allowing of that warrant x.s.

Item to the Maister of the Pipe for the same xij.s.iiij.d.

Item to the bagge bearer xij.d.

Item for the Quietus est to the Sheriffes attorney of the Pipe ij.li.vj.s.viij.d.

Item to his man for his paines taken therein xx.s.

Item for the Quietus est for the Recusants xxx.s.

Cum multis alijs que nunc prescribere longum est. Et sic quietus est.

Summa totalis &c.

All these summes are payd besides all his charges and fées which he laies out and disburseth in the yéere that he is sheriffe, which comes to a great deale more as experience will teach him.

Retorna

Retorna Breuium.

Retorna Summon' Aſſiſas.

Irtute iſtius precepti mihi directi venire feci corã Iuſticiar' infraſc. ad diem & locum infra contentum omnia Breuia Aſſiſarum, Iuratorum, & certificationum in Com S. infraſcript' coram quibuſcunque Iuſtic' tam per diuerſa breuia dominorum P. & M. nuper Regis & Regine Angliæ quam per diuerſa breuia Domini regis nunc vna cum Pannellis, Attachiamentis, reattachiamentis & omnibus alijs adminicul' Aſſiſar', Iuratas, & certificationes illas qualitercunque tangen', venire feci etiam coram pref. Iuſticiar' ad Gaolam dicti Domini Regis Caſtri ſui Winton' de priſonibus in ea exiſten' deliberand' aſſignand' ad prefat. diem omnes

priſones in Gaola predict' exiſtens vna cum eorum Attachiamentis, reattachiamentis & omnibus alijs adminiculis priſones illos qualitercunque tangen' & de vic. cuiuſlibet ville & loci ibidem felon' vnde ijdem priſones indict' appell' ſiue arreſtat' exiſtunt ſtē fuer' tam infra libertates quam extra xxiiij. probos & legal' homines quibus rei veritas melius ſciri poterit & inquiri, Et qui priſon' ill' nulla affinitate attingunt vna cum quatuor hominibus & preponit' ville & loci eorum ad faciend. ea que tunc ibidem hijs ex parte domini regis nunc iniung. publice etiam proclam̄ feci per totam Balliuam meam qd omnes illi qui ſequi voluerint verſ. priſones illos qd tunc ſint ibi verſ. eos prout iuſtum fuerit proſecutur' Scire feci etiam omnibus coron. Iuſtic. pacis ſeneſchalis dominor' magnat. & balliuis libertat' & hundred. com. pred. qd tunc ſint ibidem cum rotulis record. indictament. & alijs memorand. ſuis ad faciend. ea que ad officia ſua pertinent prout interius mihi precipitur.

Reſid' execution. iſtius precepti patet

in

in quibuſdam ſcedulis huic precepti annexat.

R.O. Ar' Vic'.

And the Warrants which the Sheriffe muſt make by vertue of this precept for the ſommoning of the Aſſiſes to the Bailiffes of Liberties, and Bailiffes of Hundreds muſt containe in them the whole ſubſtance of this precept, but whether it be in Lattin or Engliſh it is not materiall, ſoe that it be in due forme: And it is needfull that the Sheriffe keepe for himſelfe a particular note of the names of ſuch perſons as he nominateth in his warrant to be ſommoned to ſerue in the grand Jury, and not to leaue it to the diſcretion of Bailiffes to put in and out whom they liſt in that ſeruice.

The forme of the Warrant.

ſſ. RObertus O. Armig. Vic' Comitatus predict' Balliuo libertat' de C. vel Balliuo hundredi de A. ſalutem virtute cuiuſdam precepti mihi directi tibi mando quod venire facias coram L. T. & L. H. *Sombt.*

Iusticiar' Assisas in Comitatu predict' ad Assisas apud Castrum Winton' decimo die Augusti prox. tenend' seperal' person' subscript' ad faciend' ea que tunc & ibidem ex parte Domini regis nunc eis iniungetur publice etiam proclam facias per totam balliuam tuam quod omnes illi qui sequi voluerint versus prisones in Gaola Domini regis Comitatu predict' quod tunc sint ibi versus eos prout iustum fuerit prosecutur Scire facias etiam omnibus coron' Iustic' pacis seneschalis dominorū & magnat' quod tunc sint ibi cum rotulis recordis indictamentis & alijs memorandis suis ad fac' ea que ad seperal' officia sua pertinet Et quod tuipse sis adtunc & ibidem ad faciendū omnia ea que ad officium tuum pertinet vna cum hoc precept' sub periculo incumbent' dat' sub sigillo officij mei tali die & anno &c.

R.O. Ar. Vic'.

Then here at the end of the Warrant vnder, the Sheriffe must set downe the names and dwelling places of such as he will haue warned to serue in the grand Iury in particular, and kæpe a note of them, that he may

be

be able to shew to the Court if nèd shall require who he had determined to haue returned for that seruice if they had come, and if the fault fall out to be in the Baily, then he shall be punished, and the Sheriffe excused.

Retorna Summ' Sessionem pacis.

VIrtute istius breuis mihi directi venire feci coram Iusticiar' infrascript' apud Castrum Winton' infraspecificat' die anno & loco infracontent' omnes Constabilarios & Balliuos Hundred' infra Comitat' specif. necnon de quolibet dictorum libertatum & Hundred' vigint' quatuor Iurator' ad faciend' ea quę eis ex parte Domini regis adtunc & ibidem iniungentur Ac etiã scire feci omnibus Constabilarijs & Balliuis Hundred' Comitat' infrascript' quod tunc sint ibi habentes secum omnia nomina Artific' laborat' & seruent' husbãdrie infra hundred' predict' vad' contra formã statut' inde excessiue capiend' ac insuper sufficient' proclam feci infra Balliuam meam quod omnes ill' qui tam pro Domino rege quam pro seipsis versus hu-

iuſmodi artifices labrat' & ſeruient' aliquas querelas iuxta formam ſtatuti ordinationis pred' conqueri vel proſequi voluerint quod tunc ſint ibi bill' ſuas proſ.' iuſticiamque ibidem ſubiter ſi ſibi viderint expediri prout interius mihi precipitur.

R.O.Ar'Vic'.

outh:. **The Warrant muſt begin in the ſame forme as the other** quod venire facias coram Iuſtic' dñi regis ad pacē in coñ p̄d apud &c. omnes Conſtabul' &c. **according to the ſubſtance of the matter conteyned in the Writ and to conclud it as the other is concluded.**

Retorn' dicti breuis aliquando vtitur ſic.

EXecutio iſtius breuis patet in quibuſdam Pannellis huic breui conſut' vel annex'.

R.O.Ar'Vic'.

Retorn' breuis original' in debito vel tranſgr' ſi defend' ſit inſufficient.

Pleg. de proſ. { I.Doo / R.Roo.

Infra nominat H.B.& C.D.**and if there be more defendants then two, then you muſt name**

name but one & ceteri def. infra nominat' nihil habent in balliua mea per qd ſum. poſſint if it be debt, but if it be in treſpaſſe, then it muſt be per quod attach' poſſint or poteſt if it be but againſt one defendant.

R.O.Ar' Vic'.

Retorn' de capias al' & plur'.

INfra nominat' A.B. non eſt inuent' in balliua mea & ſi ſunt tres tunc ſic & ceteri defend. infranominat. non ſunt inuent. in balliua mea.

R.O.Ar.Vic'.

These writs are seldome or never vsed to be retorned by Sheriffes, for Attorneys doe vse to retorne them themselues with the leaue and sufferance or consent of Sheriffes, otherwise they cannot iustifie the setting of the Sheriffes name to their Writs.

Retorn' de Exigent.

VIrtute iſti' breuꝫ mihi direct. ad com̃ meũ tent. apud Caſtrum Winton. in Comit' S. infraſcript' die Lune videlicet decimo die I. Anno regni Domini regis

Regis infraſcript' xv. infranominat' I. C. & ceteri defend' infra nominat' (if there be aboue two) primo exacti fuer' & non comparuer' Ad Com̃ meum S. ibidem tent' die Lune videlicet viceſimo die A. Anno predict' predictus I. C. & ceteri defend' infranominat' ſecundo exact' fuer' & non comparuer', Ad Com̃ meum S. ibidem tent' die Lune videlicet decem̃ die S. Anno predict' pred' I.C. & ceteri defend' infranominat' tercio exact' fuer' & non comparuer', Ad Com' meum S. ibidem tent' videlicet duodecimo die O. Anno predict' predict' I. C. & ceteri defend' infranominat' quarto exact' fuer' & non comparuer', Et ad Com̃ meum S. ibidem tent' die Lune videlicet tertio die N. Anno predict' predict' I. C. & ceteri defend' infranominat' quinto exact' fuer & non comparuer' ideo predict' I. C. & ceteri defend' infranominat' per iudciũ I.W. & W.R. gen' coron' dicti Domini Regis Com' p̄d ſecund' legem & conſ. regni dñi noſtri regis Angl' vtlagat' ſunt & quilibet eorum vtlagat' eſt.

R.O. Ar. Vic'.

Retorna

Retorna de breui de exigend' cum ſuperſed'.

VIrtute &c. Ad Com' meũ S. ibidem tent' die Lune viz. xx. die A. Anno predict' predict' I.C. quarto exact' fuit & protulit' mihi breue domini Regis de ſuperſed' & eſt huic breui annex. per quod ad executionem iſtius breuis vlterius faciend' ſuperſedi omnino prout mihi in eodem breui precipitur.

R.O.Ar.Vic'.

Retorna de exigent vbi vnus reddit ſe & omnes al' non comperuer'.

VIrtute &c. Ad Com' meum South. ibidem tent' die Lune viz. x. die A. predict' predict' I.C. & ceteri defend' infranominat' quinto exact' fuer', ad quem diem predict' I. C. comparuit' & ſe reddidit priſona dom' regis Caſtri ſui Winẽ cuius quid' corpus cor' Iuſtic' infraſc' ad diẽ & loc' infracont' parat' habeo prout interius mihi precipitur ſed' ceteri def. infran' nõ cõparuer' ideo &c, vt ſupra.

Lan-

Languid' in priſona ſuper reddidit ſe.

AD com̃ meũ &c. p̃d I.B. comparuit. & ſe reddidit priſone domini reges caſtri ſui Winton. infra com̃ S. p̃d & in eadem priſona modo remanit. languidus varijs infirmitatibus detent. Ita quod propter corporis ſui debilitat. & mortis periculum carriari non poteſt & ea de cauſa corpus p̃d I.B. coram Iuſtic. infraſcript. ad diem & locum infracontent. ad preſens habere non poſſum iuxta formã huius breuis.

Retorn. de exigent vbi vnus redd. ſe al. profert. ſuperſed. tercius mort. & quartus wauiat'.

VIrtute &c. ad com̃ meũ S. ibm̃ tent. die Lune viz. x. die A. anno p̃d p̃d I. H. S.R. A.C. & D.P. quinto exact. fuer. & p̃d S.R. ſe reddid. priſone Dom. regis caſtri ſui Winton. in com̃ p̃d cuius corp⁹ Iuſtic. infraſc. ad diem & locũ infracontent. parat. habeo ad faciend. id quod breui pred. in ſe exigit. & requirit. Et p̃d D.P. protulit mihi breue Dom. regis de ſuperſed. huic breui annex. ideo quoad

eum

eum vlterius procedere non potui & p̄d I.H. mortuus eſt & pred. A.C. wauiat. eſt ideo per iudicium I.W. & W.R. coron. dom. regis com̄ pred. pred. I.H. vtlagat. & pred. A.C. wauiat. eſt.

R.O. Ar. Vic'.

Retorna de allocat'.

ALlocat. illi quatuor com̄ ad quos infranominat. T. C. exact. fuit & non comperuit. Et vlterius virtute iſtius breuis ad com̄ meum tent. apud caſtr' Winton. in com. S. infraſc. die Lune viz. viij. die N. anno regni dom. regis infraſcript. Ang. &c. xv. pred. T. quinto exact. fuit & non comperuit. ideo per iudium̄ &c. vt ſupra vtlagat. eſt.

Retorn' de exigent inter dnos vic'.

VIrtute iſtius breuis mihi directi ad comit. meum S. tent. apud caſtrum Winton. die Lune viz. x. die A. anno regni dom. regis Ang. &c. infraſc. xv. infranominat. R. K. primo exact. fuit & non comperuit.

R.O. Ar. Vic'.

Iſtud

Iſtud breue prout indorſatur mihi deliberat' fuit per R.O. ar' nuper vic' Com' infraſc. prox. predeceſſ. meum in eius exit' ab officio, Et ad Com' meũ South. tent' apud Caſtrum Winton' predict' in Com' predict' die Lune viz. x. die D. anno predict' predict' R.K. ſecundo exact' fuit & non comparuit' &c. vt ſupra.

Et ſi deficiunt coron' ad com' ad reddend' iudiũ tunc vic' retorn' breuia ſua ſic videlicet quod ob defect' I. W. & W.R. coron' domini Regis Comitat' predict' vlterius procedere non potuit **and then vpon this retorne, the Coroners will be fined for euery writ vnleſſe they can make a good excuſe.**

W.V. Ar. Vic'.

Retorna breuis de proclam'.

VIrtute iſtius breuis mihi direct' Ad Com' meum South. tent' apud Caſtrum Winton' in Com' South. infraſcr' xxj. die Marcij, anno xj. infraſc. proclam feci Et ad maxime vſuale oſtium eccleſie de B. infraſc. ſuper diem dominicum ſc. decimum diem Aprilis anno regni domini

mini Regis infraſc. Angliæ &c. duodec' immediate poſt diuinum ſeruic' nulla predicatio eadē eccleſia adtunc ibidem exiſtens vno menſe ad minus antequam infranomin' W. quinto exact' fuit proclam' feci, Et ad general' Seſſion' pacis tent' apud Caſtrum Winton' predict' in Com' predict' iij. die Maij, anno xij. ſupradict' in partibus de B. predict' al' proclam' feci qd infranom' A. B. ſe reddat mihi prout interius mihi precipitur.

Rich. M. Mil. Vic'.

Retorn' breuis de cap' vtlag' inter duos vic'.

ANte aduent' iſtius breuis I. M. ar' nuper vic' Com' S. cepit infranomin' T. D. & in priſona domini Regis infraſc. Caſtri ſui Winton' in Com' S. pred' penes ſe detenuit virtute cuiuſdam breuis dicti Domini Regis de capias vtl' dicto nuper vic' direct' quem quidem T. D. dict' nuper vic' vna cum dicto breui mihi I. D. mil' modo vic' Com' S. predict' in eius exit' ab officio ſuo deliberauit cuius quidē corpus cum breui pred' ego pref.

nunc

nunc vic. coram Iustic. infrascr. ad diem & locum infracontent. parat. habeo ad faciend. & recipiend. quod dict. breue in se exigit & requirit.

R.O. Ar Vic'.

Retorn' breuis original' in particione.

Pleg' de pros. { Iohan' Den', Richard' Fen'.

Sum. infranominat. R.B. { W.H. & E. vxoris eius { I.F.

R. O. Ar' vic'.

Retorn' breuis original' in conuentione.

Pleg. de pros. { I.Doo R.Roo.

Sum. infranominat. { I.P. I.Den. R.Fen.

R.O. Ar.Vic'.

Retorn' de sum' in dote.

Pleg. de pros. { I.Doo R.Roo.

Sum. infranom. { I.H. I.W. W.C.

Et

Et ad oſtium Eccleſiæ parochialis de P. vbi infranominat' A.B. ſuper diem dominicum ſcilicet quarto die Iulij anno infraſcript' immediate poſt diuinum ſeruicium nulla predicatione adtuncibidẽ exiſten' publice proclam' feci ſecundum formam Statuti prout iſtud breue in ſe exigit & requirit.

R.O. Ar' Vic'.

Retorn' de ſum' in vaſto.

Pleg' de proſ. { Iohannes Doo. / Richardus Roo.

Sum' infranom' { I.P. / Willielm' Fen'. / Richardus Den'.

Et vlterius ego R.O. Ar' vic' com' infraſcript' Iuſt. dom' regis infraſcript' certifico qd poſt ſum. pred', ſcz. x. die A. An' infraſcript' exiſten' die dominico immediate poſt diuinũ ſeruic' in Eccleſ. parochiali de B. infraſ. nulla predicac' adtunc ibid' exiſten' apud maxime vſuale oſtiũ Eccleſ. parochiali illius infra quã quidẽ parochiã tent' infraſcr' iacent & exiſtũt proclam' feci ſum. pred' ſecund' formã

Statut' in huiuſmodi caſu ædit' & prouiſi.

R.O.Ar' Vic'.

Retorne de Pone.

Pleg' de proſ. { Iohan' Den', Richard' Fen'.

Infranominat' A. B. Attach. eſt per pleg' viz. { Ioh.Den', Rich.Fen'.

Retorne de petit Cape in Dower.

Virtute &c. tali die & anno cepi in manus domini Regis infraſcript' tertiam partem Tenementorum infraſpec' cum pertin' prout interius mihi precipit'.

R.O.Ar' Vic'.

Retorn' Breuis de viſu in dower.

Iuſtic' infraſcript' certifico quod virtute iſtius breuis mihi direct' hab' feci infranominat' A. B. viſum de tertia parte tenementorum infraſpec' in præſent' N. C.R.D.W.B. & C.D. quatuor Milit' ex illis qui Vic' ill' inter fuerunt. Et vlterius certifico qd' dixi quatuor Milit' pred'

quod

quod ſint coram Iuſtic' infraſcript' ad diem & locum infra content' ad teſtificand' viſum illum prout per breue pred' mihi precipit'.

R.O.Ar' Vic'.

Retorn' de ſum' de Aſsiſe.

Pleg' de proſ. { Iohannes Doo. / Richardus Roo.

Infra nominat' W. L. nihil habet in balliua mea per quod Attach. poteſt nec eſt inuentus in eadem.

Alit' vbi eſt Attach.

Infranominat' W.L.Attach.eſt per vnam vaccam' precij xxx.s.

If the partie appeare not, his Cow is forfeit, and the Sheriffe ſhall be anſwerable for the value, and therefore he had nede eyther to keepe the goods attached, or elſe to haue ſecuritie to be ſaued harmeleſſe therein.

Reſid' executionis iſtius breuis patet in quodam Panello huic breui annex'

R.O.Ar' Vic'.

Nomin' recogn' Aſſiſe noue diſſeiſin' int' M.C.qu' & T.C.tenēt' A.B.C.D.&c.

M. ſum' recogn' pred' { I.H.
& eorum cuiuſlibet { R.S.

Retorn' ſum' Mil' Parliamenti.

Virtute iſtius breuis mihi direct' ſum. feci A.B.Milit' vnum Mil de com' meo gladio cinct' per B. T. & C. R. quod ſit coram Iuſtic' infraſcript' ad diem & locum infra content' prout iſtud breue in ſe exigit & requirit.

F. P. Mil' Vic'.

Retorn' de ſum' Parliamenti.

Executio iſtius breuis patet in quibuſdam Indenturis huic breui annex'.

M.infranominat' A.B. { Ioh.Doo.
{ Rich.Roo.

Exit'.——————xx.s.

F.P.Mil' Vic'.

Retorn' de ſum' in Attaint.

Pleg' de proſ. { Iohan' Den',
{ Richard' Fen'.

Sum'

Sum' infranominat' { I.N. / Iohan. Den'. / Richard' Fen'.

Resid' executionis istius breuis patet in quodam panello huic breui annex'.

R.O. Ar' Vic'.

Nomina vigint' & quatuor Milit'. *Le pannell.*

Richardus M. de N. Ar'.

T.B. de A. Ar' &c.

Sum' Iur' predict' H.H.

S.S.

Nomina Iur' primæ Inquisitionis in breui huic panello annex' spec'. *Le petit Iurie.*

E.M. gen'.

H.E. gen' &c.

Pleg' predict' Iur' primæ Inquisitionis { Thomas Pitt. / Willielm' Fitt.

Return' de resummon'.

Executio istius breuis patet in quadã scedula huic breui annex'.

R.O. Ar' Vic'.

Nomina Iur' Iur' xxiiij. Milit' vnde in breui huic scedul' annex' sit mea.

R. M. de N. Ar'.

T.B. de M. Ar' &c.

Quilibet Iur' Iurem xxiiij. Milit' pred' ſeperatim reſum' eſt per H. R. & M. N. bonos ſum'.

R. O. Ar' Vic'.

Retorn' de accedas ad Cur'.

Virtut' iſtius breuis mihi direct' in forma infraſcript' & in plena Cur' ill' recordari feci loquelam infraſcript'. Et recordum illud prout patet in ſcedula hic huic breui annex' habeo coram Iuſtic' infraſcript' ad diem & locum infra content' ſub ſigillo meo & ſigillis I. B. &c. quatuor proborum & legalium hominum de balliua mea ex illis qui record' ill' inter fuer'. Et partibus infraſcript' diem illum prefixi quod tunc ſint ibi in loquel' ill' prout iuſtum fuerint proſecutur' prout interius mihi precipit'.

R. O. Ar' Vic'.

The Style of the Court. Alton'.

Richardus T. Miles ibidem tent' xxx. die Marcij Anno &c. recitand le ſtile del Roy.

Querela. I. S. queritur verſus W. W. de placito captio-

capcionis & iniuſte detencionis aueriorū ſuorum.

The Bayliffes returne of his Warrant to the Sheriffe.

Virtute iſtius precept' mihi direct' accept' mecum R. S. &c. quatuor diſcret' Milit' Hundred' de A. predict' acceſſi ad Cur' R. T. Milit' & recordar' feci loquelam que eſt in eadem Cur' inter I. S. quer' & W. W. def. Et record' illud parat' habeo ſub ſigillo meo & ſigillis pred' quatuor Milit' eiuſdem Cur' ex illis qui record' ill' interfuer' & partibus predict' eundem diem prefixi prout mihi precept' fuit. In cuius rei teſtimonium tam ego R. F. balliuus hundred' predict. quam predict. R. S. &c. quatuor legalium Milit' hundred' predict' preſent' ſigilla noſtra appoſuimus.

R. O. Ar' Vic'.

Retorn' de Recordare.

Virtute iſtius breuis mihi direct' in pleno Com' meo tent' apud Caſtrum

Winton' in comitat' Southampt' infrascript' tali die & Anno Recordari feci loquel' vnde interius fit mentio que quidem loquela patet in quadam scedula huic breui ennex'. Et recordum illud habeo coram Iustic' infrascript' ad diem & locum infra content' sub sigillo meo & sigillis W.H. E.R. &c. quatuor proborum & legalium Milit' eiusdem com' ex illis qui record' ill' interfuer' & partibus infrascript' diem ill' prefixi quod fuit ibid' in loquela ill' prout iustum fuerit prosecutur' prout interius mihi precipitur.

Scedula. Resid' executionis istius breuis patet in quadam Scedula huic breui annex'.

Querela. R.S. queritur versus T.E. de placito capcionis & iniuste detencionis aueriorum suorum.

R.O.Ar' Vic'.

Retorn' de fieri feci sur fieri fac'.

Virtute istius breuis mihi direct' fieri feci de bonis & catallis infranominati

I.H.

I. H. quandam Dimiſſionem & conceſſionem eidem I.H. per quendam T. G.gen' per Indentur' ſuam fact' pro termino xxxj.annorum incipiend' a primo die Iulij, Anno &c. infraſcript' ſecundo prout per Indenturam illam geren' dat' eiſdem die & Anno plenius liquet & apparet de & in vno meſuagio ſiue firma cum pertinentijs ſcituat' iacen' & exiſtentia in L. in parochia de F. infra balliuam meam vocat' ſiue cognit' per nomen de B. ſimul cum omnibus & ſingulis terris pratis paſcuis boſcis ſubboſcis aquis & paſturis cum omnibus ſuis pertinentijs ſcituat' iacen' & exiſten' infra vill' paroch' & campos de F. pred' & O. ſcilicet in ball' mea. Et predict' Dimiſſionem, ac omne & totum ius ſtatutum titulum terminum annorum poſſeſſionem & demaund' que predict' I.H. modo habet de & in prædict' præmiſſis virtute ſiue vigore eiuſdem Dimiſſionis & conceſſionis aut aliter vendicion' expoſui & vendidi cuidam P. H. generoſ. pro ſumma lxxvj. libr. xiij. s. iiij.d. Ac etiam fieri feci de alijs bonis & catal-

catallis predict. I.H. ad valenciã lxv.li.vj. s.viij.d. quas quidẽ denariorum ſummas ſic in forma pred. per me leuat' in toto ſe attingunt ad ſumma Cxxxij.li.xij.d. Et eaſdem ſummas coram domino Rege ad diem & locum infra content' parat' habeo ad reddend' infranominat' E. P. & I. vxori eius in parte ſatisfact' dampnorum infraſcript' prout per breue iſtud interius mihi precipit'. Et quod predict' I.H. nulla alia ſiue plura bona aut catall' in balliua mea habuit vnde reſid' predict debit' Clxv.li. vj. s. ij. d. fieri ſiue leuar' poſſum ſecundum exigens huius breuis.

R.O. Ar' Vic'.

Aliter ſur nihil habet.

Infranom' R.B. Mil' null' habet bona ſeu catall' terr' aut tenement' in balliua mea vnde denar' infraſpec' Fieri facere poſſum prout interius mihi precipit'.

R.O. Ar' Vic'.

Aliter

Aliter ſur fieri facias execut' & vendition' expoſuit':

Virtute iſtius breuis mihi directi fieri feci de bonis & cattall' terr' & tenement' infranominat' R.B. ad valenc' CG.li. & illis de die in diem vendition' expoſui & inde vendidi ad valenc' C.li. quas quidē centum libr' ad diem & locum infra cōtent' parat' habeo ad reddend' infranominat' I.W. prout interius mihi precipit' Et reſid' bonorum & catallorum predic' adhuc penes me remanent' inuendit' ob defect' emptorum.

R.O.Ar' Vic'.

Retorn' de Tarde.

Iſtud breue adeo tarde mihi deliberat' fuit, Ita quod propter temporis breuitat' exequi non potui prout iſtud breue in ſe exigit & requirit.

R.O.Ar' Vic'.

Retorn' ſpeciall ſur habeas corpus.

Ego R.O.Ar' Vic' comit' S. domino Rege ad diem & locum in breui huic ſce-

duli

dul' annex' content' certifico qd ante aduent' eiuſd.breuis A.O. in dict. breui nominat' capt' fuit infra com' pred.per W. V.Ar' nup vic' com.pred. & in priſ.dicti dom.regis Caſtri ſui Wint' in com' pred. ſaluo cuſtod' eiuſdē nuper vicec' detent' virtute cuiuſdā breuis dicti dom. regis de capiend' verſus dict. A.gener teſte apud Weſt.nono die Oct. An.regni &c.& retorn' coram Iuſtic. dicti dom' regis apud Weſtm. a die ſancti Martini in xv^na^ dies tunc prox' ſequen' ad ſatisfaciend' T.D. gener. tam de quodā debeo xl. li. quā de xxx.s.pro dāpnis vnde idē A. corā pref. Iuſtic' apud Weſtm.conuictus fuit,cuius quidem A.corpus ſic capt' & in priſona predict. ſub cuſtod' dicti nuper vicec.ea occaſione exiſten' detent'. Ego prefat. R.O.nunc vicec' com' predict.recepi de pred.nup vic' in eius exitu ab officio ſuo & corpus eius per me de pref.nup vic' ſic recept.in priſona pred.ſaluo cuſtod. feci quouſq; poſtea ſcz.decimo die Decemb. Ann.&c, recepi quodd' breue dict. dom' regis de ſuperſed' mihi direct' cuius quidē breuis tenor' ſequit' in hæc verba lac.

&c.

&c. virtut' cuius quidē breuis de ſuperſed' pro eo qd nō fuit aliqua cauſa detencōis pred' A. dict' A. ad largum ire permiſi dict' breue de capiēd' ad ſatisfaciend' in aliquo non obſtante prout per dict' breue de ſuperſed' mihi inde precipitur ideo corpus pred' A. coram pref. dom. rege ad diē & locū in dict. breui huic ſcedul' annex' content' parat' hēre nō poſſ. prout idem breue in ſe exigit & requirit.

R.O.Ar' Vic'.

Alias.

Ante aduent' iſtius breuis mihi direct' infranomin' H.H. commiſſus fuit Gaolæ dom. regis Caſtri ſui Winton' in com' infraſcr' ſub cuſtod' mea virtute cuiuſdam warr' F.C. & I.W. duorū Iuſt. dicti dom' regis ad pacē in com' pred' conſeruand' necnō ad diuerſ. felon' tranſgr' & al' maleſact' in eodē com' perpetr' audiend' & terminand' aſſign' geren', Dat' tertio die A. Ann. infraſcr. pro quibuſd' tranſgr. & contēpt' cont. formā ſtat. pro punicione vacabund' & pro pauper' & impotenc' æcdit' & hæc eſt cauſa capcionis & detencōis ipſius H. corpus tamen predict. H.

ad

ad diem & locum infracontent' parat' habeo prout interius mihi precipit'.

R.O.Ar' Vic'.

Alias.

Ego R.O.Ar' vic' com' *S.* Iuſtic' infraſcript' certifico quod corpora R. T. & ceter' def. infranominat' per me non capt' fuer' ſed per W.V.Ar' nuper vicec' com' predict' predeceſſ. meum & mihi per ipſum minime deliberat' in exit' ab officio ſuo. Ideo corpora eorum coram Iuſtic' infraſcript' ad diem & locum infra content' habere non poſſum prout interius mihi precipit'.

R.O.Ar' vic'.

Alit' ſur languidus.

Iuſtic' dom' *R*egis certifico qd' infranominat' I.B. adeo languidus in priſona domini regis Caſtri ſui Winton' in com' Southampt' varijs infirmitat' detent'. Ita quod propter corporis ſui debilitat' & mortis periculum ipſum tute remouere non poſſum ideo corpus eius coram Iuſtic' infraſcript' ad diem & locum infra

content'

content' ad prelens habere non poſſum iuxta formam huius breuis.

R. O. Ar' vic'.

Alias.

Ego R.O.Ar' vic' comitat' S.domino regi certifico qd' corpus infrahominat' R.T.iacet ſub ſaluo cuſtod' mea in executione ad ſect' T.B.pro C.li. ret' coram Iuſtic' domini regis apud Weſtm' a die ſancti Michaelis in vnum menſem ideo corpus eius ad diem & locum infracont' habere non poſſum prout interius mihi precipitur.

R.O.Ar' Vic'.

Retorn' de mandaui balliuo libertatis.

Virtute iſtius breuis mihi direct' mandaui balliuo libertatis Thomæ Epiſcopi Winton' ad capiend' & arreſtand' infranominat' I. S. in forma infraſcript' qui plenum habet retorn' omnium breuium & preceptorum & executionum eorundem infra libertatem predict', Ac quod nulla execuc' iſtius breuis per me fieri poteſt

poteſt infra eandem libertatem qui quidem balliuus nullum mihi ad hunc dedit reſponſum, vel ſic, qui mihi reſpondit qd infra nominat' I.*S.* non eſt inuent' in balliua ſua, vel ſic, quod cepit corpus infranominat' I.*S.* cuius quidē corpus ad diē & locum infra content' parat' habet ad fac' ea ōia que iſtud breue in ſe exigit & requirit.

R.O.Ar' Vic'.

Retorn' breuis de reſtitucion.

Virtute iſtius breuis mihi direct. tali die & anno &c. infraſcript' tent' infraſcript' cum pertin' reſeiſiui & infranominat' T. & H. plenam poſſeſſionem & ſeiam' inde reſtitui prout interius mihi precipitur.

R.O.Ar' Vic'.

Retorn' de habere fac' poſſeſſion. cum fieri fac'.

Virtute iſtius breuis mihi direct' viceſimo quarto die Maij Anno infraſcript' habere feci infranominat' H. H. poſſeſſionem termini ſui infraſcript' de tenemētis infraſcript' cum pertin', Ac etiam fieri feci

feci de terris & catallis infranominat' W W.xx.s. parcell' dampnorū infra ſpec' & denarios illos habeo coram Iuſtic' infraſcript' ad diē & locum infracontent' ad reddend' prefat. H.H. prout interius mihi precipitur.

R.O.Ar' Vic'.

Return.breuis de ſeiſin'.

VIrtute iſtius breuis mihi directi xxvj. die O. anno infraſcript' habere feci infranominat' N.S.plenar' ſeiſin' de & in tenementis infraſpec' cum pertineñ prout interius mihi precipitur.

R.O.Ar'Vic':

Return.breuis de ſeiſina in dote.

Execut' iſtius breuis patet in quadam Scedula huic breui annex.

IVſtic' domini reg. certifico quod virtute breuis domini regis mihi directi & huic ſcedul' annex. decim. die A. anno &c. habere feci P. B. vid. in breui predict. nominat' plenar' ſeiſinam de tertia parte manerij de B. cum pertinen' in eodē breui ſpec' viz. de vna aula & coquina de duobus ſpacijs in tenura

dict. I. cum libr. ingressus & regressus ad & ab easdem. necnon superiori parte domus mansionat' in tenura E. C. ab introitu vers. Austral' Ac de vno clõ seperali voc' H. continen. per estimat' quinque acr' ac de quatuor acr' pasture iacen' in borial' fine, vnius clī voc' B. & de vna acr' pastur' voc' C. in breui pred. spec' tenend. prefat' P. B. in seperali per metas & bondas nomine totius dotis ipsius P. ipsam P. contingen' de toto manerio in dicto breui spec' prout per breue pred. mihi precipitur.

R. O. Ar' Vic'.

Retorn. de venire fac,

Execution istius breuis patet in quodam pannell' huic breui annex.

R. O. Ar'. Vic'.

Le pannell. A. B. de E. Gen. & sic xxiij. al'.

Quilibet' Iur. pred. per se ⎫ Ioh. Doo.
seper' Attach. est per Pleg. ⎭ Rich. Roo.

R. O. Ar'. Vic'.

Retur' distr' Iur'.

Exec' istius breuis patet in quodam Pannello huic breui sannex.

M.

M. Iur' pred. & eorũ cuiuſlib. { Io. Doo. / Ri. Roo. } *Le panne.*

Exit' eorum cuiuſlib. —— x.s.

R.O. Ar' Vic'.

Return. de Ca. ad ſat.

VIrtute iſtius breuis mihi direct' cepi corpus infra nominat' A. B. cuius quidem corpus coram Iuſtic' infraſcript' vel coram Dom. rege ad diem & locũ infracont' parat', habeo ad ſatisfaciend' infra nominat' C. D. de debit' & dampnis infra ſpec' prout interius mihi precipitur.

R.O. Ar' Vic'

Return. de Elegit.

Execut' iſtius breuis patet in quadam Inquiſition' huic breui annex.

R.O. Ar' Vic'

INquiſit' Indent' capt' apud B. in Com. pred. x. die I. anno &c. coram me R.O. Ar' Vic' com. pred. virtute breuis Dom. Regis mihi direct. & huic Inquiſit' annex. per Sacram' T.B. &c. & ſic' xij. plur' ad minus. Qui dicunt ſuper Sacram'

ſuum qd B.C. in breui predict' nominat' tali die & ann' &c. fuit ſeiſit' in dñico ſuo vt de feodo de & in vno meſuagio voc' &c. cũ pertin' iacen' & exiſten' in ciuitate Winton' in com' pred. modo in occupatione A.G. vid. clari annui valoris in oĩb⁹ exit' vltra repris' xl.s. Ac etiã de & in vno gardino cum pert' voc. &c. in ciuitate & ciomit' predict. clari annui valoris in omnibus exitibus vltra repris' xx.s. Ac etiam de & in vno alio meſuagio cum pertinen' in comitatu & ciuitate pred. ſcituat', iacen', & exiſten' prope templum ibidẽ vocat ſaint Clements Church nuper terr' cuiuſdã R. A. defunct. modo in occupatione B. C. vel aſſign' ſuorum ſimul cum omnibus gardinis & edificijs eidem meſuagio ſpectan' ſiue pertinen' clari annui valoris in omnibus exitibus vltra repris' v. li. Ac etiam de & in vno alio meſuagio vocat' &c. in ciuitate & comitatu predict. in tenura predict. B. C. clari annui valoris in omnibus exitibus vltra repris' decem ſolid, quæ omnia & ſingula pred. B. C. nuper perquiſiuit ſibi & hæredibus ſuis de quibuſdam

N. S. &al'vxore eius vnius filiarum & cohered.pred.R.G.Qd quidē meſuagiu' in tenura pred.B. C. vna cum gardino eidem meſuagio iacen' & ſpectan' cum omnibus & ſingulis ſuis pertinen' pro medietate omniū terr' & tentorum predict.ego prefat' vic' deliberari feci R. *S.* in breui predict. nominat' tenend. ſibi & Aſſign. ſuis iuxta formam ſtatuti inde prouiſ.vt liber tent' ſuū quouſque debiū ſuum C.li. vna cum xv.s. pro dampnis ſuis in breui predict. mentionat' plenar' inde leuauerit prout breue predict. in ſe exigit & requirit, Et vlterius Iur' pred. ſuper *S*acramentum ſuum predict. dic. quod predict. B. C. nulla alia ſiue plura habet ſeu die recogn. deb. predict. habuit bona aut catall' terr' ſiue tent' in Com. predict. ad eorum noticium. In cuius rei Teſtimet' tam ego prefat' vic' quam Iur' pred. huic Inquiſ. ſigilla noſtra alternatim appoſuimus die A. & loco ſuprad' &c. R.O. Ar' Vic'.

Return.de extent.

Virtute iſtius breuis mihi direct. cepi

corpus infra nominat' W.W. cuius quidem corpus ad diem & locum infra content' parat' habeo prout interius mihi precipitur.

Resid' execut' istius breuis patet in quadam Inquisic' huic breui annex.

R.O.Ar' Vic'

Scribt. INquisic' Indentat' capt' apud ciuitat. Winton' in Com.pred.xij. die Ianuarij anno &c. coram me R. O. Ar' Vic' com. pred. virtute breuis Dom. Regis mihi direct. & huic Inquis. annex. per Sacrament' T. B. &c. vt supr. Qui dic. super Sacramentum suum quod W.W. Ac in breui predict. nominat' die recog.deb. in eodem breui spec' fuit seisit' in dominico suo vt de feodo de & in manerio de A. Com. pred. clari annui valoris in omnib. exit. vlt' repris' C. li. Ac' de & in manerio de C. in Com. predict.clari annui valor' vlt' repris' Cl. li. Et vlterius Iur' pred. super Sacrament' suum pred.dic. qd pred. W.W.die recogn.deb. pred. seu vnquam postea nulla habuit bona seu catall' neque al' siue

plur'

plur' terr' ſiue tent' in Com. predict. ad eorum notitiam quod extend' appreciari aut in manus dict. Dom. Regis cepi aut ſeiſiri poſſint. Que quidem maneria ter' & tent' predict. cum pertinen' ego prefat' vic' die caption' huius Inquiſitionis cepi in manus dict. Dom. Regis per extent' predict. In cuius rei Teſtim. tam ego prefat' vic' quam Iur' predict. huic Inquiſ. ſigilla noſtr. alt' natim appoſuimus die anno & loco ſupredict. &c.

R.O. Ar' Vic'

Return. de recogn. extr. Cancellar.

Execut' iſtius breuis patet in quadam Inquiſ. huic breui annex.

INquiſ. &c. vt ſupr. qui dic. ſuper *Sacrament.* ſuum qd E.M. in breui pred. nominat' die capt' huius Inquiſ. fuit poſſeſſionat' de diuerſis bonis & catallis ſubſequen' viz. de frument. voc' Rye ad valenc' x.s. de hordio ad valenc' &c. & de quibuſdam vtenſillijs vocat Houſhold-ſtuffe ad valenc' &c. Que quidem bona & catall' ego prefat' vic' lib rari feci *Southt.*

prefat' R. per preciũ pred. prout per breue pred. mihi precipitur. Et vlterius Iur' pred. ſupr. ſacram. ſuum pred. dic. quod pred. E. die recogn. deb. in eodem breui ſpec' ſeu vnquam poſtea nul' alia ſiue plura habuit bona aut catall' terr' neque tent' in Com. pred. que R. W. in eodem breui nom. libr. fac' poſſum. In cuius rei Teſtim. &c. vt ſupra. R. O. Ar' Vic'

Retorn. de breue de vaſt.

Execut' iſtius breuis patet in quadam Inquiſ. huic breui annex.

Scutbt. INquiſ. &c. Qui dic' ſuper ſacramentum ſuum predict. qd H. A. & I. vxor eius in dicto breui nominat' fecer' vaſtũ vendicionẽ & deſtructionem in omnibus in eodem breui ſpec', viz. permittend' vnam aulã precij xl. s. duas cameras precij 3. l. vnum ſtabilum precij viginț' ſolid. eſſe diſcoopertum pro defect' reparation' earundem domorum & per tempeſtates pluuiales ſuper ill' deſcendent' deuener' putridum & corruptum &c. contra formam prouiſionis in eodem breui cõtent', Et vlt' Iur' pred. ſuper ſacra-

ſacramẽt' ſuum pred' dic.quod pred' A. & I.aliud neque plus vaſtum vendicionem ſeu deſtructionem fecer' in domibus pred'. In cuius rei teſtim.&c.vt ſup.

R.O. Ar' Vic'.

Retorn' breuis ad inquir' de dampnis in dote vbi tenens obijt ſeiſitus.

Executio &c.vt predict.eſt.

Inquiſitio &c. Qui dic.ſuper ſacram' ſuum quod infranominat' W. K. quinto die Ianuarij Anno &c. apud K. in com' predict. obijt ſeiſit' in dominico ſue vt de feodo de & in tenementis infraſpec', Et qd tent' pred' ſunt clari ann' valor' in omnibus exit' vlt. repriſ. xx. s. Et qd ſex anni & tria quarteria vnius anni delabũtur, a tempore mortis pred' W. K. Et qd infranom' I.D. ſuſtinuit dampna occaſione dotis ſue infraſpec' ad valenc' x.li. In cuius rei teſtimonium &c.vt ſup. *Sentbt.*

R.O. Ar. Vic'.

Aliter in tranſgr.

Executio, vt ſupra.

Inquiſitio &c. Qui dic. ſuper ſacram' ſuum *Sentbt.*

ſum. quod W.B. in dicto breui nominat' ſuſtinuit dampna occaſione tranſgr. in eodem breui ſpec' ad xx. s. & pro miſ. & cuſtagijs ſuis per ipſum circa ſect. ſuam in illa parte apponit' xx. s. In cuius rei Teſtimonium &c.

Retorn' de ſcire fac. ſcire feci.

VIrtute iſtius breuis mihi direct. per A.B. & C. D. probos & legales homines de balliua mea ſcire feci infranominat' A. D. qd ſit coram Iuſtic. dom. regis, vel coram domino rege, vel coram Baron' dom. regis, ad diē & locū infrà content' ad oſtendend. & proponend' ſi quid pro ſe hēt vel dicere ſciat quare &c. according to ỹ matter conteined in the writ, prout interius mihi precipitur.

R.O. Ar' Vic'.

Retorn. de nihil ſnper ſcire fac'.

INfranominat' A.B. nihil habet in balliua mea per quod ei ſcire facere poſſum neque eſt inuent' in eadem.

R.O. Ar' Vic'.

Retorn' de deuaſtauit verſus exec'.

VIrtute iſtius breuis mihi direct. cepi in manus meas diuerſa bona & catalla que fuerunt infranominat. H. S. tempore mortis ſue in manibus infranominat. R. O. & K. vxoris eius exec' teſt. pred. H. adminiſtrãd' exiſten' ad valenc' xxxvij.l.parcel' deb. infraſcript' que quidem bona & catal' remanent' in cuſtodia mea pro defectu emptorum, Et vlterius Iuſtic. infraſcript' certifico quod predict. R. O. & K. diuerſa bona & catalla que fuer' predict. H. tempore mortis ſue ad valenc' reſid' deb. & dampnum infraſpec' vendiderunt & deuaſtauer' & denarios inde prouenien' ad vſus ſuos proprios conuerter', Ita quod reſid' deb. & dampnum infraſpec' de bonis & catallis eiuſdem H. S. leuari ſeu fieri facere non poſſum. Et vlterius Iuſtic' predict. certifico quod predict' R. O. & K. vxor eius nulla habent bona ſeu catalla de bonis & catallis ſuis proprijs in balliua mea vnde reſid' deb. & dampnum infraſpec' aut aliquam

liquam inde parcell' fieri facere poſſum prout interius mihi precipitur.

Retorn' de repleuin ſur retorn. habend' aueriorum.

VIrtute iſtius breuis mihi direct' deliberari feci infranominat' I. B. aueria que T. M. cepit & eidem T. M. in Cur' dom. regis adiudicat' fuer' prout interius mihi precipitur.

R.O.Ar' Vic'.

Retorn' de aueria elong' ſur Second deliuerance.

ANte aduentum iſtius breuis aueria infraſcript' per infranominat' T.C. elongat' fuer' ad loca mihi ignot', Ita qd viſ. eorundem infranominat' H. & T.H. retorn' habere non potui prout interius mihi preciptur.

R.O.Ar' vic'.

Retorn' de Withernam.

VIrtute iſtius breuis cepi duas ollas erreas duas pattell' erreas &c. de bonis

&

& catallis I.H.in iſt.breui nomin'in Withernam & ea W.B.infranom' deliberari feci habend'eidem W.B. quouſq; pred' I.B. catall' pred' W. B. deliberar' voluer' prout breue iſtud in ſe exigit & requirit, Et vlterius vobis certifico qd pred' I. H. in iſto breui nom. null' habet alia bona neq; catalla que in Withernã capi poſſint aut per que Attac.poteſt iuxta tenorem huius breuis.

R.O.Ar.Vic'.

Retorn' breuis collect' xv. & x.extr' Scacc.

VIrtute iſtius breuis mihi direct. ſcire feci infranom' A. B. Ac etiã que ex parte dom. regis fierint dedi in mandat' qd pred'A.B.circa leuacionẽ & collectionem ſexte quintedecime & decime.ſex integrar' quintedecimar'& decimar' infraſcr.Ac obligac' ſcdm' formã Stat' infraſcrip.pred' A.B. oſtendi feci ipſum ex parte dom. regis ſigilland' & vt fact' ſuũ ad vſũ eiuſd' dom. regis deliberand'ſcz. dedi in mãdat' ſed p̃d' A.B.omnino eãd' ſigillare vel circa collect' pred' intendere recuſauit

recuſauit & adhuc recuſat in contemptu dicti domini Regis ideo eandem obligacionem ad diem & locum infra content' habere non poſſum prout interius mihi precipitur. Et vlterius certifico quod ſcire feci infranominat' C.D. quod ipſe circa leuacõnem & collectionem dict. ſexte quintedecime & decime predict' ſex integrarum quintarum decimarum infraſcripte diligenter intendat, Et obligacionem ſecundum formam Statuti infraſcript' ab eodem C.D. recepi & eandem in Scaccar. dicti dom. Regis ad diem infracontent' certifico prout interius mihi precipitur.

R.O. Ar' Vic'.

The retorne of a wood Writ in the Exchequer.

BAron' infraſcript. certifico quod P. M.I.S. & T.W. in ſcedula huic breui annex' nominat' null' habent bona ſeu catalla terr' ſiue tenement' infra balliuã meam vnde ſeperalia debit. ſuper ipſos & eorum cuiuſlibet imponit' fieri facere poſ-

poſſum ſed virtute iſtius breuis mihi direct' fieri feci de bonis & catallis H.L.T. K.& I.B. in dict. ſcedula nominat' ſeperal' ſummas ſuper ipſos & eorum quilibet onerat' & denarios ill' coram Baron' infraſcript' ad diem & locum infra content' parat' habeo prout interius mihi precipitur. Et vlterius certifico quod I. B.E.A.& W.B. in dict. ſcedula nominat' alegauer' ſe habere exoner' actiones pro ſeperal' ſummis ſuper ipſos & eorum quilibet onerat' & pro eo accepi ab eis ſufficien' ſecuritat' & prefixi eis diem eſſendi hic ad Scaccarium domini Regis infraſcr. ad diem & locum infra content' prout interius mihi precipitur.

R.O.Ar' Vic'.

Retorn. breuis de reſpect' homag. al. diſtringas in Scaccario.

M.infranominat' A.B. { Ioh.Doo. / Rich.Roo.

Exit'.——————xx.s. According to the value of the land more or leſſe.

R.O.Ar' Vic'.

Re-

Retorn. de Seasuer' in Scaccar. nomine districtionis.

VIrtute istius breuis mihi direct' xx. die Maij Anno regni domini regis infrascript' decimo quinto, In manus domini Regis, manerium de S. infrascript' cum pertin' in S. in com' infrascript. qd quidem manerium est clari Annui valoris in omnibus exit' vlt' repris' xx.li. de terr' P.B. in scedul' huic breui annex' nominat', Ac cepi etiam in manus eiusdem dom. regis vnum torment' vocat' a Pewtronel cum le flax & touchbox valor' x.s. nomine districtionis de bonis & catallis I.C. in scedul' predict' nominat' prout istud breue in se exigit & requirit &c.

R.O. Ar' Vic'.

Aliter vbi nihil est retorn'.

BAron' infrascript' certifico quod A. B.C.D. & ceteri personæ in quibusd' scedulis huic breui annex' nominat' nulla habent bona seu catalla infra baliuam meam

meam vnde ſeperalia debit ſuper eos onerat' ſeu aliquem inde parcell' fieri facere poſſum nec ſunt inuent' nec eorum aliquꝰ eſt inuent' in balliua mea, nec ſunt aliqui exec' teſt' ſiue vltime voluntat' p̄d' ſeperalium perſonarum neque adminiſt' bonorum & cattallorum que ſua fuerunt nec aliqui hered' ſeu tenen' terr' predict' ſeperalium perſonarum ſiue eorum al' infra balliuam meam quæ diſtringere poſſum prout iſtud breue in ſe exigit & requirit.

Reſid' executionis iſtius breuꝰ patet in quibuſdam Inquiſitionibus huic breui annex'.

R.O. Ar. Vic'.

Nihil' retorn'.

INquiſitio Indent' &c. qui dic' ſuper ſacramentum ſuum quod A.B.C.D. &c. in ſcedul' huic breui annex. nominat' ſeperalibus diebus & annis quibus primo debitor' deuener' Domino Regi ſeu vnquam poſtea hucuſque nul' huer' bona ſeu cattall' terr' ſine tenement' infra balliuam *Sonibt.*

linam meam que extendi aut apprec. poſſint ad eorum noticium Et qd mortui ſunt ſed quibus die & anno ſiue diebus & annis ac vbi penitus ignorant In cuius rei Teſtiñ &c. vt ſupra.

R.O.Ar.Vic'.

Vbi terr' extendable iacet in al' Com'.

Baron' infraſc. certifico quod omnia terr' & tenement' que fuer' infranoñ N.F. aut al' anteceſſorum ſuorum iacent in Coñ S. & non in balliua mea.

R.O.Ar.Vic'.

Comorans in al' Com'.

INfranominat' E.S. eſt vic. Coñ O. & eſt comorans in dicto coñ O. & non eſt inuentus in balliua mea.

R.O.Ar' Vic'.

Retorna pro vic' meſme.

BAron' infraſc. certifico quod ego H. W. miles modo ſum vic. Comit. S. ideo

corpus infranominat' I. R. cuius quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infracontent' necnon viceſimo die I. anno &c. infraſcript' cepi in manus Domini Regis nomine diſtrictionis cert' terr' & tenement' infranominat' I. R. iacent & exiſtent in B. Annui valor' C.s. prout iſtud breue in ſe exigit & requirit.

R.O.Ar'.Vic'.

Capias in manus manerium.

VIrtute iſtius breuis mihi directi Baron' infraſcript' certifico quod viceſimo die Marcij, Anno &c. infraſcript' cepi in manus Domini Regis infra ſpec. manerium infraſcript' cum pertinentijs prout interius mihi precipitur. Et ſi ſit cum inquiſitione pro annui valor' tunc ſic breue predict' retorn' eſt.

Reſid'

Reſid. executionis iſtius breuis patet in quadam Inquiſitione huic breui annex.

R.O. Ar'Vic'.

Southt. Inquiſitio Indentat. capt. apud &c. as the Inquiſition is before for the forme onely putting in the new matter.

Retorna breuis de Q. quis eſt tenens extra Scaccar'.

VIrtute iſtius breuis mihi directi baron. infraſcript. certifico quod W. B. & M. vxor. eius ſunt tenentes tercie partis manerij infraſcript. in tres partes diuidendum & C. A. M. E. & I B. filie C. D. defunct. ſunt tenent' ſecunde partis manerij predict. in tres partes diuidendum, & tercia pars manerij pred' rem' in cuſtod. Domini Regis ratione minoris etatis P.B. fil' & hered' predict. C. B.

M.

deo meipſum diſtringere non poſſum prout interius mihi precipitur.

H.W. Mil. Vic'.

Retorna breuis pro elect' Mil' Parliamenti.

VIrtute iſtius breuis mihi directi Elegi feci duos milit' gladijs tinctos magis idoneos & diſcret' de Comitatu meo predict' viz. W.F. & I.S. qui quidem mil' plen' & ſufficient' poteſt' pro ſe & comunitate Com. predict' habeant ad faciend' & conſenciend' hijs que ad diem & locũ infracontent' de comuni conſilio regni Regis Angliæ ordinari contingerit' Et predict' W.F. & I.S. manucapt' ſunt per I.P. W.B. R.D. & R.N. ad eſſend' ad parliament' Domini Regis apud Weſt. ad diem infracont' ad faciend' prout iſtud' breue in ſe exigit & requirit, feci etiam precept' I.P. & W.S. ball' libertat' ville de G. quod de Burgo de G. elegi fecerint duos burgenſes de diſcret' & magis ſufficien' quod ſint ad parliament' dicti Domini Regis ad diem

infracontent' ad faciend' & conſentiend' vt predict' eſt qui quidem balliui ſic mihi reſpond' quod elegi fecer' de predict' burgo de G. duos burgenſes diſcret' & magis ſufficen' ad eſſend' ad parliament' pred' viz. S.W. & R.W.

Reſid' execut' iſtius breuis patet in quibuſdam Inquiſic' huic breui annex'.

R.O. Ar' Vic'.

Retorn' de breue ſom' Parliamenti.

VIrtute iſtius breuis mihi directi tam infra libertat' quam extra per totam balliuam meam publice ploclam' feci quod omnes & ſingul' perſon' habentes terr' tenement' ant' redd' vt infraſcript' eſt quorum nomina in quadam ſcedul' huic breui annex. ſunt ſcript' ad preſent. Domini regis circa feſtum infraſc. perſonalit' compariant' ac accedunt ad pref. ordinem recipiend' prout interius mihi precipitur.

F.P. Mil. Vic'.

Retorn'

Retorn' de reſcous.

EXecutio iſti⁹ breuis patet in quadam ſcedula huic breui annexat.

Virtute breuis Domini regis mihi directi & huic ſcedule annexat' feci quoddam warrant' meum cuidam I. M. balliuo meo iteneranti ad capiend' & arreſtand' E. G. in dicto breui nominat' ſecundam exigenc' eiuſdem breuis qui quidam balliuus meus virtute warr' mei predict' decimo die I. anno &c. apud D. in Com̃ S. predict' cepit & arreſtauit corpus predict' E.G. & adtunc & ibidem ipſum E.G. in cuſtodia ſua habuit ſuper quo F.G. de C. predict' in Com̃ predict' gen. & T.M. de eiſdem vill' & Com̃ gen' adtunc & ibidem vi & armis viz. gladijs punionibus & bacul' in pred' balliuum meum inſult' fecer' & ipſum balliuum meum adtunc & ibidem contra legem & conſuetudinem regni Domini regis Angliæ &c. ac contra voluntatem ipſius balliui mei impriſonauer' & ipſum balliuum meum in priſona ibidem per ſpacium vnius h ore adtunc & ibidem detinuer' &

x. d. in pecunijs numeratis de bonis & catallis & denar' ipſius balliui mei a perſona ipſius balliui mei adtunc & ibidem predict' T.M. cepit Ac pref. E. vi & armꝫ predict' ad tunc & ibidem a cuſtod' dicti balliui mei ceper' & reſcuſſer' necnon eadem E. ſeipſam adtunc & ibidem a cuſtodia predict' balliui mei reſcuſſit contra voluntatem eiuſdem balliui mei & contra pacem dicti Domini Regis nunc &c. Et poſtea eadem E. non fuit inuentus in balliua mea.

R.O. Ar' Vic'.

Alit' per balliuum Hundred'.

VIrtute iſtius breuis feci quoddam warrant' meum W.H. balliuo Hundred' de H. qui mihi ſic reſpondit quod vbi ipſe virtute warr' predict' decimo die S. anno &c. apud C. in Comit. pred' cepit quandam I.S. & ipſum vſque ad gaolam Dom. Regis Caſtri ſui Winton' ducere voluiſſet ibidem ſaluo cuſtod' Illuc Ven' quidam I.G. & R.S. cum plur' al' ignot' vi & armis modo guerrino arreyati

reyati & a custod' dicti balliui apud &c. predict' I.S. ceper' & abduxer' & dictum balliuum neciuisse voluer' nisi ipsum I.S. euadere permiser Et sic ob metu mortis sui Ipsum I.S. euadere permisit Et ea de causa corpus predict' I.S. coram Domino Rege ad diem & locum infracontent' habere non possum prout interius mihi precipitur. Et vlterius certifico quod p̄d̄ x.diem &c. p̄d̄ I.S. non fuit inuentus in balliua mea.

R.O.Ar'Vic'.

Alit' per balliuum libertatis.

VIrtute istius breuis mihi directi mandui I. S. balliuo libertatis de D. in Com̄ p̄d̄ qui habet plenum retorn' omniū br̄um precept' warr' sibi inde direct' Et qui tali die & anno apud P.in com.p̄d̄ T.S.in breui huic scedule annex. noīat' & in eodem warr' sibi directum similiter nominat' cepit & arrestauit & ipsum T. S. in custodia sua occasione predict' adtunc & ibidem habuit & tenuit Ac quidam I.C. nuper de S. in Comit' predict'

x. d. in pecunijs numeratis de bonis & catallis & denar' ipſius balliui mei a perſona ipſius balliui mei adtunc & ibidem predict' T.M. cepit Ac pref. E. vi & armꝫ predict' ad tunc & ibidem a cuſtod' dicti balliui mei ceper' & reſcuſſer' necnon eadem E. ſeipſam adtunc & ibidem a cuſtodia predict' balliui mei reſcuſſit contra voluntatem eiuſdem balliui mei & contra pacem dicti Domini Regis nunc &c. Et poſtea eadem E. non fuit inuentus in balliua mea.

R.O. Ar' Vic'.

Alit' per balliuum Hundred'.

VIrtute iſtius breuis feci quoddam warrant' meum W.H. balliuo Hundred' de H. qui mihi ſic reſpondit quod vbi ipſe virtute warr' predict' decimo die S. anno &c. apud C. in Comit. pred' cepit quandam I. S. & ipſum vſque ad gaolam Dom. Regis Caſtri ſui Winton' ducere voluiſſet ibidem ſaluo cuſtod' Illuc Ven' quidam I.G. & R.S. cum plur' al' ignot' vi & armis modo guerrino arreyati

reyati & a custod' dicti balliui apud &c. predict' I.S. ceper' & abduxer' & dictum balliuum neciuisse voluer' nisi ipsum I.S. euadere permiser Et sic ob metu mortis sui Ipsum I.S. euadere permisit Et ea de causa corpus predict' I.S. coram Domino Rege ad diem & locum infracontent' habere non possum prout interius mihi precipitur. Et vlterius certifico quod p̄d̄ x.diem &c. p̄d̄ I.S. non fuit inuentus in balliua mea.

R.O. Ar' Vic'.

Alit' per balliuum libertatis.

VIrtute istius breuis mihi directi mandui I. S. balliuo libertatis de D. in Com̄ p̄d̄ qui habet plenum retorn' omniū br̄um precept' warr' sibi inde direct' Et qui tali die & anno apud P. in com. p̄d̄ T.S. in breui huic scedule annex. noiat' & in eodem warr' sibi directum similiter nominat' cepit & arrestauit & ipsum T. S. in custodia sua occasione predict' adtunc & ibidem habuit & tenuit Ac quidam I.C. nuper de S. in Comit' predict'

Huſbandman agregat' ſibi quam plur' al' malefact' ignot' paciſque Domini regis perturbat' ad numerum vigint' perſonarum modo guerreum arrerat' vi & armis viz. &c. in ipſum balliuum adtunc & ibidem riotoſe inſult' fecer' & ipſum verberauer' vulnerauer' & maletractauer' ita quod de vita eius deſperabatur Et qd I.C. & al' &c. ipſum T.S. extra cuſtod' dicti balliui adtunc & ibidem ceper' & reſcuſſ. & ad ſui iuris ad largum ire permiſer' contra voluntatem predict' balliuui Ac idem T.S. ſeipſum extra cuſtod' dicti balliui adtunc & ibidem ſimiliter reſcuſſit contra pacem dom. regis nunc &c. Et poſtea idem T. non fuit inuent' in balliua mea.

R.O. Ar' Vic'.

Retorn' de proclam' extra Cancellar'

VIrtute iſtius breuis mihi directi publice proclamat' feci infra balliuam meam quod infranominat' H.B. ſub pena legiancie ſue coram Domino rege in Cancellar' ſua infraſcript' ad diem infra-

content'

content' compareat prout interius mihi precipitur necnon Domino Regi certifico quod infranominat' H.B. non eſt inuent' in balliua mea.

R.O. Ar. Vic'.

Retorn' de Commiſsion de rebellion.

DOmino Regi certifico quod tempore receptionis iſtius Commiſſionis mihi & al' direct' infranominat' W.W. capt' & arreſtat' fuit per W.S. mil. vic. Com̃ S. virtute diuerſorum breuium eidem vic. dirict' & Gaole Domini Regis Caſtri ſui Winton' per eundem vic. commiſſus fuit in qua quidē Gaola ego pref. I.W. pref. W.W. virtute iſtius Comiſſionis attach. feci prout interius mihi precipitur ſed corpus eius ad diem & locum infracontent' habere non poſſum quia idem W. in eadem Gaola ſub ſaluo cuſtod' dicti vic. ob diuerſis alijs cauſis ibidem detinetur.

I.O. Comiſsion'.

The

The Retorne of a Dedimus potestatem, to take the Oathe of a Sheriffe.

VIrtute istius breuis nobis directi tali die & anno &c. infrasc. recepimus sacrm infranoiat' R.O. vic' Com. S. de officio illo bene & fidelit' faciend' iuxta formam cuiusdam scedule presentibus annex. prout interius nobis precipitur. Ac prout bre istud' in se exigit & requirit

W.S. & B. T. } *Commiss.*

Retorna de breue de Premunire.

VIrtute istius breuis tali die & anno p I.S. T.W. & I.F. probos & legali hoies de ball' meo premunire feci W. K. clerico infranoiat' qd sit coram dom. rege ad diem infracont' vbicunq, &c. ad fac. & rec. prout istud breue in se exigit & requirit Et I.B. & ceteri def. infranominat' nihil habent in ball' mea per que eis premunire fac. poss. nec sunt inuent' in eod.

R.O. Ar' Vic'.

Retorn'

Retorna breuis vbi Clericus non habet laicum feodum.

VIrtute iſtius breuis mihi directi Iuſtic. infraſcript' certifico quod infranominat' T. H. Clericus eſt benefic. in Epiſcopat' London nul' habens laicum feodum in balliua mea vbi poteſt' ſum.

R.O.Ar.Vic'.

Retorna breuis eligend veridar' Foreſte.

DOmini Regi certifico quod infranominat' I.H.ante aduent' iſtius breuis mihi directi mortuus fuit quodque ego poſt receptionem iſtius breuis in pleno Com. meo tent' apud Caſtrum Winton' in Com. meo viceſimo nono die Marcij, anno infraſcr' ex aſſenſu eiuſdem Com. Loco pred' J. elegi feci quendam N. S. armig. viridar' foreſte de B. infraſcript' ad fac' ea oĩa que ad offic. illum pertinet prout iſtud breue in ſe exigit & requirit.

R.O.Ar.Vic'.

Retorn'

Retorn' breuis ſumm' coram Iuſtic' foreſte.

VIrtute iſtius breuis mihi directi ſum' feci Archiepiſcopos, Epiſcopos, Comit', Baron' & omnes alios liberos tenen' qui terr' & tenement' habent infra metas foreſte dom. Regis infraſcript. in com. meo & quatuor homines & preponit. de quolibit. villat. infra metas eiuſdem foreſte Ac' etiam duos probos & legales homines de quolib. burgo infra metas dict. foreſte tenend. venir' detinir' vt ſolebant, qd ſint coram Iuſtic. infraſcript. ad diem & locum infracontent. prout interius mihi precipit. publice etiam proclam. feci per totã balliuam meam tam in burgis quam in alijs vill' ac' in ferijs mercatis & alijs locꝭ publicis qd oẽs ill' qui per cartã dom. regis nunc aut anteceſſ. vel progenitor' ſuor' aut aliquo alio modo aliquas libertates ſeu franchesias teneant aut libertat' habere clam' & quo warr' qd ſint coram dictis Iuſtic. ad diem & locum pred' proclam etiam feci qd oẽs attach. pro virid & venacoc' in foreſta

foresta p̄d̄ post vltimum placit' foreste p̄d̄ tent' & eorum pleg. & mani capt' qui huer' diem per manucaption' p̄d̄ essend' coram prefat. Instic' ad stand' rect' & ad faciend' ea que secundum legem foreste facere debent.

Resid' execution' istius breuis patet in quibusdam pannell' huic breui annex.

R.O. Ar' Vic'.

Le Pannell.

Anthon. B. de C. generos. & sic xxiiij. **for the grand Iury, and twelue for the petty Iurie.**

Quando aliquis ostend' vic' tall' sua.

VIrtute istius br̄is mihi directi baron' infrasc. certificō qd firmar' infranomin' post receptionem huius breuis mihi ostend' tall' s̄s de solutione firme sue interius specific. ob qd prefixi eis diem essendi corā baron' infrasc. ad faciend' & recipiend' super talia p̄d̄ iuxta tenor' huius breuis Et ideo leuatio sum' interius specific. supers. prout interi' mihi p̄cipit̄.

W.V. Ar. Vic'.

Retorn'

Retorna breuis ad proclam' vic' ad reddend' compotum ſuum per Coronatores.

VIrtute iſtius breuis nobis directi Baron' infraſcript' certificamus quod in plena Comitatu S. infraſcript' tent' apud Caſtrum Winton' in Comitatu S. predict' viceſimo die A. anno &c. infraſcript' Ac etiam in pleno Comitatu predict' apud W. predict' decimo octauo die Septembris, anno &c. necnon in diuerſis vicibus poſtea in Comitat' predict' articulatim proclamari fecimus omnia & ſingula articula que in iſto breui continent' & ſpecificant' prout p breue iſtud nobis interius precipitur.

I.W.
W.R.gen. } *Coron'.*

Retorna de Capias extra Scaccarium tam corpus quã terr' nomine diſtrict'.

VIrtute iſtius breuis mihi directi Baron' infraſcript certifico quod cepi corpus

M. prænominatorũ W. { Ioh.Doo.
B.& M. vxor eius { Rich.Roo.
R.O.Ar' Vic'

Retorn' de venire fac' extr' Scaccarium vel offic' Coron' in natura de ſummons vbi eſt inſufficient'.

INfra nominat' A.B. nihil habet in balliua mea per quod poteſt Attach. vel vbi eum ſum.poſſum.

Infranomin' A.B.Attach.eſt per pleg' viz. { Io. Fen'. { Rich.Den'. R.O.Ar' Vic'

Si ſit ſufficien' tunc retorn' eſt ſic.

Exit' eorum j.marc'.

Et ſi ſit comes aut comitiſſa tunc ſic.

Et vlterius ſi hæc verba recitantur in breui, Necnon ad oſtenden' tunc in quouis x.s.

Retorn' de diſtringas vbi pars nihil habet in terr'.

INfranominat' A.B. nihil habet in terr' tenement' & hereditamentis infraſcr. per quod ipſum diſtringere poſſum.

Alias.

NVllum tale manerium neq; vlla terr' ſiue tent' cognit' per nomen de E. iacen' in com' S. vnde tenentes inde diſtringere poſſum prout interius mihi precipitur.

R.O.Ar.Vic'.

Retorn' de venditione expoſit'.

VIrtute iſtius breuis mihi direct' de die in diem vendition' expoſui ill' bona & catalla ad valenc' C. s. reſid' de viij. li. que nuper de terris & catall' terr' & tent' T.F. infranomin' cepi & inde vendidi ad valenc' xl.s. quos quidem xl.s. ad diem & locū infracontent' parat' habeo ad reddend' infranom' C.D. prout interius mihi precipitur. Et reſid' bonorum & catt' pred' adhuc penes me remanent inuendit' pro defect' emptorum.

Aliter retorn' de vendicion' exponas.

BAron' infraſcript' certifico quod ill' C. oues in hoc breue ſpec' vēdicion' expo-

exponere non potui eo qd' adhuc remanent in manus infranomin' R.N. nuper vic' com' S.& nunquam mihi pref.nunc vic' adhuc per pref. nuper vic' deliberat fuer'.

R.O.Ar' Vic'.

Retorna de fieri fac' vbi null' addition' datur aliijs def.

BAron' infraſcr. certifico qd ſunt diuerſ. perſone in com' meo nomin.& cognominis de I. K.viz.I.K.de B.I.K.de F.& I.K.de A.qd non continentur in iſto breui de cuius p̄d' I.K.&c. bonis & catal' denar' infraſp'fieri facere Neſcio ideo ad execucionē iſtius breuis procedere non potui.

R.O.Ar'.Vic'.

Retorna breuis extra Cur' Wardorum & Liberacionum.

POſt receptionem iſtius breuis & ante retorn' eiuſdem ſeperal' denar' ſum. infraſcript' ſoluti fuerunt per ſeperales perſonas infranominat' receptori dom. regis Cur' ſue Wardorum & Liberac'

ideo ad executionem eiuſdē breuis proceder' non potui prout interius mihi precipitur.

R.O.Ar'Vic'.

The Retorn of a ſignificauit.

VIrtute iſtius breuis mihi direct. cepi corpus infranomin' A. B. cuius quidem corpus remanet in priſona dom.regis Caſtri ſui Winton' ſub ſaluo cuſtod' mea donec ſanctæ Eccleſiæ tam de contemptu quam de iniur' ei illat' ab eo fuer' ſatisfact' prout iſtud breue in ſe exigit & requirit.

R.O.Ar' Vic'.

The retorne of a ſignific' with proclam.

INfranominat' A.B. non eſt inuent' in balliua mea ſed virtute iſtius breuis mihi direct' in pleno com' meo tent' apud Caſtrum Winton. in com. infraſcript. xv.die Iulij ann. infraſcript' publice proclam.feci quod pred.A. B.i nfra ſex dies proxim. poſt proclam. illam corpus ſuũ reddat

reddat in forma infraſcript' prout breue iſtud in ſe exigit & requirit.

R.O.Ar' Vic'.

INquiſitio &c. Qui dic' ſuper ſacramẽt' ſuum quod W.F. in ſcedul' breui pred. annex. nominat' mortuus eſt ſed quibus die & anno aut vbi penitus ignorant quodque W.M. etiam in eadem ſcedula nominat' eſt reſidens in Londin' & I.S. eſt comorans apud B. in com' W. & A. R. in vill' & comit. Southãpt' extra com' South. & reliqui perſon' in eadem ſcedul' nominat'. Ita vagrant & diſcurrunt in com' pred' quod capi & arreſtar' non poſſint. In cuius rei teſtim. &c. *South.*

INquiſitio &c. Qui dic' ſuper ſacramẽt' ſuum quod H.S. in ſcedula huic breui annex. ſpec' null' alia ſiue plura habet maneria terr' neque tent' in com. pred. preter & vltra maner' terr' & tenement. in ſcedul. breui pred' annex. ſpec' extend. aut in manus dom. regis ſeiſiri poſſint. In cuius rei teſtimonium &c. *Southt.*

Southampt. INquisitio &c. Qui dic' super sacrament' suum qd I.W. in breui pred' nom' die capcion' huius inquisitionis fuit possessionat' de quadã dimissione pro termin' viginti annorum vnius mesuag' &c. in A. in com' pred' cum pertinent' ann' valor' in omnibus exit' vltra repris. iiij.li. quam quidem dimissionem ego prefat. vic' die capcionis huius Inquisitionis cepi in manus dicti dom. regis. In cuius rei testimonium &c.

Southampt. INquisitio &c. Qui dic' super sacram' suum qd quibus die & annui nuper comes H. obijt & vbi penitus ignorant' quodq; ipse null' habet bona aut cattall. in com' pred' que capi & in manus dict' domini regis extend' possint. Et vlterius dic' qd pred' comes H. die quo obijt fuit seisit' in domin' suo vt de feodo de & in manerio de C. cum pertin' clari ann' valor' in omnibus exit' vlt. repris. xxv. li. qd quidem maner' cum pertin' ante aduent' istius breuis ego pref. vic' virtute alterius breuis extra hanc Cur' emanen' & ex parte rememor' dicti domini regis huius

Scac-

Scaccarij affilat' ſeiſir' feci in manus dicti domini regis per extent' pred'. In cuius rei teſtimon' &c.

Alias.

VIcar' infraſcript' cum pertin' in manus dicti dom' regis exiſtit Sede Epiſcopus Winton' modo vacant'.

Alias.

QVod maner' terr' & tent' nuper W. Dom' de la Warr' in manus dicti domini regis exiſtunt eo qd T.W. Miles mod' dominus de la warr' filius & hæres pred' W. non proſecutus eſt liberacion' ſuam extr. Cur' dict' dom. regis Wardor' & Liberac'. In cuius rei teſt. &c.

The return of a Writ of Partition.

EGo R.O. Ar' vic' com' pred' Iuſtic' in breui huic ſcedule annex' ſpec' certifico quod virtute breuis illius in propria perſona mea xv. die I. anno &c. Acceſſi ad meſuag' in breui predict' ſpec' & per ſacrm' A.B. &c. ad numerũ xij. proborũ & legalium hominum de com' pred' &

viſum in eodē breui ſpec' habuit reſpect' ad verum valorem eiuſdem meſuag. eundem meſ. cum pertinen' in quatuor equal' partes partiri feci, & vnam partem partium illarum viz. &c. tenend H. S. & vxori eius in breui pred' nominat' in ſeperalitate per metas & bondas in iure eiuſdem I. E. aliam partem inde viz. &c. tenend' I. C. & E. vxori eius in breui pred' nominat' in ſeperalitate in iure eiuſdem E. & due al' partes inde viz. &c. tenend' pref. I. C. in ſeperalitate in iure ſuo proprio. Et ego pref. vic' die & anno ſupradict' eas deliberari & aſſign' feci prout idem breue in ſe exigit & requirit.

R. O. Ar' Vic'.

FINIS.

¶ The manner and forme how to keepe a Court Leet, or a Lawday with all things thereunto appertaining as followeth.

The third Booke.

First the Steward must make his precept to warne the Court thus.

I.W. generoſus Seneſcal. R. T. milit' manerij ſiue hundred ſui de A. balliuo eiuſdem manerij ſalutem tibi mando quod diligent' premonire fac' curiam viſ' Franc' Pleg. manerij predict. Tenend' xx. die Octobris prox. ſequen' circa horam nonam ante meridiem eiuſdem diei ad locum conſuet' Dat. ſub ſigillo meo viceſimo die *S*eptembris Anno, &c.

Per me I.W. Senaſ. ibid.

Then enter the Stile of the Court thus:

Sſ. Viſ, Franc' Pleg. cum cur' T. mil' ibidem tent' die Iouis viz. viceſimo die Octo- *Alton weſt brake.*

Octobris anno regni domini nostri Iacobi dei gracia Angl', Franc', & Hibern', regis fidei defensoris &c. viz. Ang. Fran' & Hiberniæ x. & Scociæ xlvi. per I. W. Seneschal' ibidem.

Then cause the bailife to make thrée proclamations and say after the steward thus.

All manner of persons which are resiants or dosners and owe suit royall to this court Léet or Law-day, come in and do your suit, and answere to your names as you shall bee called, euery man at the first call, vpon paine and perill that shall fall thereon.

Then call the frée suiters and dosners one after another thus:

L. G. gent. come into the court & doe your suit and seruice, or else you will be amerced and when you haue called them, all those which made default marke them ouer the head thus, Laurentius Gaole, in miserecordia—ij. d. and when all the frée suiters be called, you must write thus, Sunt lib. teneñ huius maner̄ & debent sect. ad hanc cur̄ & fecer̄ default̄ I d̄ quilib. eorum in miser̄ prout patet super eorum capit̄.

Then the Steward must cause the Bailiffes to make 3. Procl. and then to say thus, And if any man wil be essoined, let him come in and he shall be receiued, & all such persons

as

as were essoined the last Court, let thē come now in and warrant their essoines or else they wil be amerced both for this court, and also for the last, that is, they must appeare, and not be againe essoined; for if that be suffered, it will hinder the seruice: And if any desire to be essoined by their tithingman or other neighbour, then for the first court they may be essoined, and their essoines must bee entred as they are in the Hundred court in this booke.

Then let the bailife say after the Steward, if any man will enter any plaints let them come forth and they shalbe heard.

Then if any come to haue any plaints entred, then enter them as they are entred in ỹ hundred courts, & if nēd be, those declarations & pleadings will serue here.

Then cal the tithingman of euery tithing wᵗ his tithing, & demand of him if his whole tithing be there or no, & aske him what lawday or hundred siluer hee hath brought, this done, receiue his money, & sweare him thus.

The Tithingmans oath.

YOu shal sweare that you shal make true inquiry & the same present of all such articles & things as shal be giuen you in charge concerning the K. maiestie, & the Lord of this Leet or Law-day, wherein you shal no concealment make, you shal spare no thing meet

to

to be presented within your Tything for loue, fauor, affection or corruption, neither shall you present any thing for malice, hatred or enuy, but according as the truth of things, haue, may or shall come to your knowledge, by information or otherwise. So shall you make therof a true presentmēt without conceilement, So help you God, &c.

Then cal the whole Tything by name and sweare them thus.

The same oath which A. B. your Tythingman hath on his part taken before you you and euery of you shall for your parts obserue, performe and kéepe in euery article & thing which shall be giuen you in charge at the Léet, So helpe ye God and the contents of this booke.

Then call the Constables of the Hundred if there be any there, and sweare them thus:

You shall swear that you shall make due inquiry, and the same present of all such articles & things as shalbe giuen you in charge, and of all and euery such thing and thing, which are, shall, or may come to your knowledge méet to be presented at this Court concerning your office wherein you shall spare no man for loue, feare, fauor, affection, or corruption, neither shall you present any man for malice, hatred, or enuie, so shall you make both a iust and a true presentment thereof

thereof without concealement, So help you God, and the contents of this booke.

In like manner you shall sweare Aletasters, Heywards & other officers, if any such be answerable or ought to appeare there according to their particular offices.

Then call to the Bailiffe for the names of the Jury, and bid him returne them in writing, whereof must be xiiii. which returne, made and deliuered, bid the Bailiffe make an O-yes and say after you thus:

You good men that be returned to inquire for our soueraign lord the K. & the L. of this leet or law-day, answere to your names, as you shalbe called, euery man at the first call, vpon paine of amerciament.

Then call the Jurors seuerally by name as they be returned, & prick them only w̄ appeare, & none els, & when xiiij. or xv. or more haue appeared, then call the foreman to the booke, and sweare him thus:

The Foremans Oath.

YOu shall duely inquire and true presentment make of all such articles & things as shalbe giuen you in charge, the K. maiesties councell, your fellowes, and your owne you shall well and truely kepe, and not disclose the same, but here in court you shall pre-

p̄ſent the trueth & nothing but the truth ſo helpe yē God & the contents of this booke, & then let him kiſſe the booke to affirm his oath

Then call the reſt of the Iury by 3. or 4. at once, and ſweare them thus:

All ſuch oath as A. B. your foreman hath take̅ before you on his part, you & euery one of you ſhall wel & truly obſerue and kēpe on your part, ſo God yē helpe, & the contents of this booke.

And note that the ſteward may impanell any ſtranger, if there want to make xij. of ẏ Iury, becauſe it is for the ſeruice of the K. for a p̄ſentment made by fewer then by xij. is trauerſable.

Io. Doe.		Io. Hye.	
Ri. Roe.		Th. Pye.	
Io. Den.		Io. Miles	
Wil. Fen.	Iuſ	Th. Giles.	Iuſ
Wal. Neate.		Ri. Cooke &	
Io. Feate.		Th. Snooke.	

then count them.

This done, then command the bailife to make p̄clamation, & ſay thus after ẏ ſteward, you good men that be impannelled to inquire for our ſoueraigne lord the K. & for the lord of this Leete or Law-day, draw nēre & heare your charge, & the court commandeth all others to kēpe ſilence whileſt the charge is giuen vpon paine of imp̄ſonment.

An exhortation to the Iury before the charge.

MY masters you ye bee sworne, before I enter to giue you your charge, I shall exhort you in the feare of God, first of all to remēber your duties to almighty God, next to ye K.ma. & lastly to the L. of this léet or law day, & therin to haue a speciall regard for the good of ye common wealth, here within the precinct of the léet or law-day. God deliuered vnto his seruant Moyses in the mount Synae x. laws or cōmandments, which are diuided into ij. tables, the 4. first wch are the first table, doe teach vs our duties to God, the other 6. wch are the 2. table, do teach vs our duties one towards another, as the body of mā is subiect to many sicknesses & diseases, so a kingdome is subiect to many mischiefes & inconueniencies, & as the one is often curable by phisicke, so thother is to be redressed & reformed by the due execution of lawes wch are as the sinnowes of the common wealth to kéep it in good order, & the execution of ye law is the life of the law, otherwise it is but as a dead thing, and therefore good rulers & magistrats are said to be as fostering fathers and mothers to the commō wealth, aswel as naturall parents are to their own children, and the subiect that honoreth his prince, ye child ye honoreth his parents, & the seruant that honoreth his or her master or mistres ought to

honor

honor them of duty in singlenes of hart, & not for feare of punishment, or hope of reward. By the ancient lawes of this realme, this our kingdom of Eng. is an absolute empire and monarch consisting of a head & of a body politike, compact & compound of many members, all which are diuided into tow general parts, viz. the clergy & the laity, both wch next & immediatly vnder God ought to be subiect & obedient to the K. their head, for he is their head, and they are his members, & he is ordained to this end and purpose to gouerne his kingdomes and people, and especially the holy Church, and to defend the same from all errors, and from all workes of mischiefe and iniquity, & to root out all malefactors which doe disturbe the Peace of the cõmon wealth, by the due execution of the lawes & Stat. wch are made to that end & purpose. All which he hath committed to his Judges & Iustices, & other officers as it is very meet & conuenient he should, because they are his substit. for the well gouerning of this kingdom, And I must tell you that these Leets & lawdayes are very ancient lawes & they were ỹ 1. lawes ỹ ener were vsed here in Engl. & they were ordained for two causes, the one was that the King might vnderstand by his Steward vpon the view of such persons as appeared before him, howmany able men there were within the precinct of euery Law-

day

day to doe him ſeruice in his warres if need ſhould require, for we muſt vnderſtand that at that time all Lætes and Lawdayes were in the Kings hand, and at this day no man can kæpe a Lawday, but either by the Kings ſpeciall graunt, or elſe by Title of preſcription, which firſt beganne by the Kings graunt, And the other cauſe was for the adminiſtration of Juſtice to the Inhabitants within the precinct of euery Læte or Lawday, for before the beginning of thoſe Lætes or Lawdayes, there was no Law vſed, no, nor no Juſtice miniſtred, but all onely before the King himſelfe, and whereſoeuer he was, there was the Lawe vſed, and Juſtice miniſtred, and in no place elſe, and then by reaſon of the great numbers of ſuitors which reſorted to the Court for Law and Juſtice, oftentimes ſickneſſes and diſeaſes were brought thether, which did endanger the Kings perſon, and alſo by reaſon of the multitude of ſuites which were there depending, it was long ere matters could be heard and determined, and very troubleſome and chargeable to ſuitors to repaire ſo farre and ſtay ſo long for Juſtice, for remedy whereof, this Realme was then diuided into Counties, and ſo into Hundreds, Ridings, Lathes, Lætes and Wapentakes, which are all one in effect, though they differ

in name according to the custome of euery Countrey. And there is no man liuing within this Realme, but he is resident and abiding within the precinct of some one of these and there he ought to appeare twise euery yéere, if he be not otherwise priuiledged by his place or office, and if any wrong be done vnto any man vnder the value of fortie shillings, there he ought to haue redresse and not elsewhere. Then these Lawes were afterwards confirmed by the Statute of Marlebride cap. 38. before the making of which Statute, A Lord of a Léete or Lawday might haue kept as many Léets or Lawdayes in a yéere as he would, and as fewe. But by that Statute men were limitted and appointed to kéepe but two euery yeere videlicet, one within a moneth of Easter, and the other within a moneth of Michaelmas. And afterwards becausé men were of sundry opinions, what things were inquirable at Léetes, or Lawdayes, and what were not, there was another Statute Law made in the seuentéenth yéere of Edward the second, by which it appeareth what things are inquirable at a Léete or Law day, and what are not, and sithence that time there haue béene diuers other Statutes made whereby diuers other Articles are inquirable at Léets or Lawdayes, which before the

making

making of those Statutes were not. Now therefore considering that these Lætes or Lawdayes were first ordained for the causes already deliuered by me vnto you, considering also that the redresse of all wrongs, and the punishment of all offenders heare within the precinct of this Læte or Lawday resteth in you who are hære especially elected, sworne and put in trust as the most mætest and worthiest men within the precinct of this Court for that seruice, it therefore behoueth you to haue a speciall regard to your oathes therein, that you may the better performe the trust which is reposed in you, for now it is your parts and duties to try right from wrong, and truth from falsehood, and to punish offenders, and to defend the innocent. The Prophet Ieremy teacheth you a good Lesson, and that is this, Iurabis saith he, in veritate, in iudic' & in Iusticia & amouete amorem, & timorem odium & spem, that is, you must swear in truth iudgment & Justice not regarding the substance, authority or power of a rich man, nor the imbesility or pouerty of a poore man, but rather you must follow the rule of that wise Philosopher Plato, who saith thus, That Iustū est iudicium vbi non persona sed opera considerant, that is a right wise iudgement, where the person of a man is not regarded, but his of-

sence, Et ex cordibus vestris omnem affectionē expellite, & mmoresestore quantitas minat deus instituit pro Iuramenti violat, You must if you would doe as ye ought to doe, remoue all affection out of your minds, and call to remembrance what threatnings God hath laid vpon such as haue violated their oathes, for it is written in the fourtēnth chapter of Leuiticus, thus, Qui blasphemauĕ nomen Dom. morte morietur, that is, He that blasphemeth the name of God shall die the death, and in the fift chapter of the Acts of the Apostles, it was said to Annanias and Zaphira, Non viues quia locutus es mendac' & confestim occisi fuerunt pro mendac' in vendend Agr, that is, it was told them that they should not liue any longer becaus they haue dealt deceitfully, and made a lie to color their deceit in selling of a field and they were presently slain for it, if God did then so punish thē for making of a lie, wō is a thing so cōmon now a daies, what wil he do to thē wō doe not sticke to lie and wilfully forsweare themselues, therefore it behoues vs to beware and to learne to be warned by other mens harmes, lest wee fall into the like iudgement of God our selues, In doing well and performing your duties in this seruice which you are to take in hand, you

shall

shall not onely please God therein greatly, and doe the King and the Lord of this Leete good seruice, but you shall also doe good to your selues and to your posterities, and therein cause the Common wealth to florish and increase in godlinesse and piety, but on the contrary part, if you shall be remisse and careleſse in doing of your duties, therein you shall not onely offend God very greatly, and incurre the danger of the Kings Lawes, but you shall also embolden and incourage wicked and lewde persons to continue still in their owne wickednesse, and to goe forward a male ad peius, and so to draw on sinne vpon sinne, as it were with Cartropes to their vtter ruine and destruction. And I would haue you to know, that if I finde you careleſse and negligent in this seruice, I may then by the Law impannell another Iurie to enquire of your concealements, the which if they shall find, then may I set such fines vpon you as I shall thinke fit, according to the qualitie of your office. But I hope that you wil giue mee no such occasion, but rather that you will duely and truely inquire of and present all such things as I shall giue you in charge.

And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall inable me and your patience to the particulers of your charge.

Your charge will be somewhat long and tedious, and standeth vpon many parts, but I will make it as short as I can, and reduce it into fiue chiefe heads or parts, viz.

Petty Treasons.
Felonies by Statute Law.
Felonies by the Common Law.
Offences vpon diuers Statute Lawes & common Annoiz̃ances.

And so of these in their order.

Petie Treason.

It is Petty Treason for a woman to kill her husband, or a Clerke his Ordinary, and the punishment for these offences, is death, and losse of lands and goods.

Misprision of Treason.

Next to this is misprision of Treason, and that is, when any one knowes of the Treason aforesaid, or of any of them and conceiueth it twenty foure houres, after knowledge thereof had, the punishment for this offence is losse of goods and chattels for euer, and

and of lands during life and imperpetuall imprisonment.

Felonies by Statute Law, Rape.

Next you shal enquire of Felonies by statute Law, and therein first of Rapes, & that is if any man haue rauished or had carnall knowledge of any womans body against her will, or hath stolne or caried away any widow or maid against their wills, and their friends, though it was done to the intent to marry them, yet it is felony, and the offender therein shall suffer death, and lose his lands and goods for it. 18.E.2.& 1.H.7.

Hunters by night.

Next you shall enquire of Hunters by night, in any forrest, parke, chase, or warren, with visards disguised, to the intent not to be knowne, if they be apprehended and deny it afore a Justice of P. vpon their examination, it is Felony, but if they confesse it, it is then but a trespasse, and so finable. 1.H.7.

Defacers of a mans Phisnomy.

Next you shall enquire if any man or woman hath defaced anothers Phisnomy in putting wilfully his or her eyes out, or cutting out of his or her tongue either of both, 5.H.7.

is Felony, and the offender shal suffer death, and lose lands and goods, 5. H. 7.

Seruants imbesselling their masters goods.

21. H. 8. ca. 7. Also you shall enquire of seruants which haue embesselled their masters or their mistres goods, being put in truste therewith, if it amount to 40 s. and vpwards, it is felony. 21. H. 8. cap. 7. and the offenders shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

3. Eliz. Also yée shall enquire of Witches & Sorcerers, for if any of them haue killed or destroyed any man, woman or child, with Witchcraft or Sorcerie, it is in them Felony, and the offender shal lose both his lands and goods for it. 5. Eliz.

Rebellions.

1. & 5. Eliz. Also you shall enquire of Rebellions, Riots, Routs, and vnlawfull assemblies, and that is where persons to the number of xx. or vpwards, doe with force vnlawfully goe about to alter lawes made by Act of Parliament, or any other lawes of this Realme, and being required by the Kings Officers, vpon Proclamatiõ to returne to their dwellings, and yet doe remaine together by the space

ſpace of one houre after ſuch Proclamation made, or after doe attempt the like thing, it is felonie, 1. Eliz. And ſo it is where anie ſuch number haue aſſembled themſelues together to breake, or digge vp, or caſt downe any pales, hedges, ditches, or other incloſures, or to pull vp any pond heads, conduits, or pipes, to the intent to kill or deſtroy any Deere in any Parke, Conies in any Warren, or Fiſh in any fiſh-ponds, or haue fired any dwelling houſe, or any barne wherein any corne was laid, or any ricke of corne, or ring any Bell, ſound any Trumpet, or Drumme, winde any Horne, fire any Beacon, or ſpeake any rebellious wordes, or bring or ſend any money, victuall, harneſſe, or weapon to any ſuch rebellious perſons, is felonie, and the offendors herein ſhall ſuffer death, and loſe land and goods. Alſo there are concealers of theſe offences, the which if they conceale foure and twentie houres, they are to haue nine moneths impriſonment, without baile or mainprize; and Farmers and Copiholders ought to loſe their Farmes and Coppiholdes if they refuſe to goe to ſuppreſſe ſuch rebellion, as is aforeſaid.

Felonies

Felonies by the Common Law.

Nert, you shall enquire of felonies by the Common Law, and that is where any doth steale to the value of xij. pence or vpwards, or doth steale any marked Swannes, or their signet, or their egges, or tame Deere, or rob Churches, Chappels, Pigeon houses or dwelling houses, or any vpon the high way, though hee take but the worth of a penie from him it is felony, and the offendor shall die for it, and lose his lands and goods, and so shall their accessaries.

Pettie Larcenie.

18. Ed. 2. Also you shall enquire of Pettie Larceny, and those be such as steale Pigges, Geese, Hennes, Chickins, Corne out of fields, Clothes from hedges or out of windowes, robbe Orchards, or goe in theeues messages: the offendors herein are to haue corporal punishment, and so their accessaries; but they forfeit their goods if they haue any.

Now I must tell you that all these offences which I haue already spoken of vnto you, are but onely to be heare inquired of and presented, but not here punished, but they are to be punished by the Iustices of the Shire

Shire vpon certificate made thereof by the Steward of a Leete or Law day.

But now follow the offences which are both here to be enquired of, presented, and punished.

Affrayes and bloodsheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of a Lawe made for his safetie and preseruation. You shall therefore first inquire if any man within your inquirie haue broken the peace, or made any affray or bloodshed: if any haue offended herein, you must present him or them and the maner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for such offence.

Hue and Crye.

Next you shall enquire whether Hue and Cry after theeues and robbers haue beene duely pursued, and followed as they ought to haue beene or no: if not, then you must present him or them which made default therein, for he forfeits v.li. 13.E.2.& 28.E.3.ca.2.

Constables

Constables and Tythingmen to punish rogues.

Also you shall enquire how Constables and Tythingmen haue executed their offices in punishing of rogues, vagabonds, and sturdie beggers which haue come within their charge: for if they haue bene remisse therein, then they ought to lose twentie shillings for euerie default. No man or woman may be suffered to begge by the Law, nor no man or woman may giue any almes, vpon paine of x.s. for euery time they giue.

Who are said to be rogues.

3. Iacob. These persons by particular are said to be by the Stat. rogues, viz. Procters of Spittlehouses, patent gatherers or collectors for gaoles, prisons, or hospitals, Fencers, Bearwards, common players of enterludes, Minstrels wandring abroad, glasse-men, saylers, souldiers, schollers, and all other idle persons which goe about begging.

Stockes in euery Tything.

Also for the punishmēt of these offendors, you shall inquire if there be in euery tything a paire of stockes, according as there ought to be by the statute or noe: if there be not, then the tything doe lose v.li.

Artillerie

Artillerie to be maintained.

Also you shall enquire whether euery one haue Bow and Arrowes according to the Statute, or no: for euerie man childe from seuen yeares old to seuenténe ought to haue a Bow and two Arrowes, and euery man from seuenténe to threescore ought to haue a bow and foure arrowes, vpon pain of vj.s. viij.d. for euerie default; and parents ought to prouide them for their children, and Masters for their seruants with their wages, or else they ought to vndergo ỹ penalty therof. 33.H.8.ca.9.

Butts in euerie Tything.

And also for the exercise of Archers in shooting at times conuenient, there ought to be Buts made in euerie Tything, Village, and Hamlet, or else the Tything, Village, or Hamlet ought to lose xx.s. for euery three moneths wanting Buts there. 33.H.8.

Playes or Games.

Also you shal enquire if any alehouseképer or other person do kéep any vnlawful games in his or their house or houses or elswhere, as cards, dyce, tables, loggets, quoits, bowls, or such 33.H.8.

such like, in this case the housekéeper loseth for euerie day fortie shillings, & euery player vj.s.viij.d. for euerie time.

Also Constables ought to search monethly for such vnlawfull games and disorders in Alehouses vpon paine of xl.s. and they arrest such as they finde playing at vnlawfull games, and commit them to ward vntill they put in suerties not to play any more at any vnlawfull game.

No man may play at any vnlawful game insatiably vnlesse he can dispend C.li. p Ann̄ in lands, fées, or offices, for life at the least: and hee may not play neither in any open place where euerie one ẏ will may sée him, but in his house, or in his Orchard or Garden, vpon paine of sixe shillings eight pence for euerie time, Except in the Christmas time; for then all men may play, 33.H.8.

Shooting in Gunnes.

Next you shall enquire of such as shoote in hand gunnes or Crosse-bowes; for no man may shoot in them vnlesse he can dispend C.l. per Annum in landes, tenements, offices, annuities or fées, neyther may those shoote at any Pheasant, Partridge, Hearne, Duck, Mallard, housedoue, pigeon, wigeon, teale, heath cocke, vpon paine of x.li. for euery shot. 33.H.8.ca.6.

Also

Also by another Law made 1. Iac. Reg. he that shootes in a gunne, crossebow, or long bow at any of the fowles aforesaid, or at anie Hare or Deere, and cannot dispend x. pound yearely in lands, nor is worth two hundred pounds in goods, shall forfeit twentie shillings for euerie shot, which shall be to the vse of the poore of the parish where such offence is committed, if the same be either confessed or proued by two witnesses, or else if the offendor be not able to pay the said penaltie, or will not, then he must haue three monethes imprisonment without baile or mainprise. But if such offendor can dispend ten pounds per Annum and more, then he shall forfeit xl. shillings to the vse aforesaid, and finde sufficient sueties that he shall offend therein no more.

But by the same Lawe all such as haue Plackards or Licences, may kill Crowes, Rooks, Choghes, Pyes, Ieyes, Ringdoues, and other small birdes for Hawkes meate onely, with a gunne or otherwise.

Mert, you shall enquire whether your high wayes be sufficiently amended and made passable, as they ought to be or no, for to that end and purpose there ought to be two Superuisors chosen in euerie parish, betweene Easter and Midsomer by the Constables 8. H. 7. fo. 6. & 18. Eliz.

ſtables and Churchwardens, & there ought to be ſixe dayes appointed for amending of high wayes, eight houres euerie day, vpon paine of twentie ſhillings to be loſt by the Superuiſors. And euerie one that hath a cart ought to ſend two able men with it, with toles fit for that ſeruice, or elſe to loſe ten ſhillings for euerie day wanting: and euery houſeholder ought to finde an able man for that ſeruice, or elſe to loſe twelue pence for euerie day wanting. And they ought moſt chiefly to amend the wayes leading to Market Townes, and they may gather ſtones in any mans ground, and alſo digge pits of ten yards ſquare in any mans ſeuerall for ſtones and rubbiſh (if it be needfull) filling the ſame vp againe, without danger of Law. And they muſt turne Springs, if they can, out of the high wayes, and trees and hedges which hang ouer the Kings high wayes, muſt be cut and ſhredded, vpon pain of ten ſhillings for euerie default.

Purpreſtures and Aſſarts.

18.E.2. Next, you ſhall enquire of Purpreſtures and aſſarts, and that is where any Wall, Hedge, Ditch, or Houſe is ſet, leuied, or abated in the Kings high way, or any water-courſe ſtopped or turned into the high way to hinder

hinder the passage of the Kings subiects, or any way anoy them.

Bounds and markes.

Also you shall inquire whether any meare stones or stakes, bounds or markes, betwæn this Lordship and any other, or betwæne tenant and tenant, hath bæn remoued since the last Law-day or before, and not set in the vsuall place againe, if there be any which haue offended herein, you must present them.

Highwayes or footpathes stopped vp.

Also if any highwayes or fotepathes to Church, Mill, or Market be stopped or hedged vp, which haue bæne accustomed to lye open, you must present him or them which shut it vp, for the Kings subiect must not be stopped of his lawfull passage to Church, Mill, or Market.

Common Bridges broken.

Also if any common Bridges ouer common Streames be broken, that by reason thereof the Kings subiects cannot passe about their affayres and businesses, you

must present those which ought to make them, vpon a paine.

Common Pounds broken.

And also if common Pounds be broken, so that they will hold no distresse that is brought to thē vntil they be deliuered thence by order of Law, you must present those which ought to make such Pounds, vpon a paine.

Sleepers by day, and walkers by night.

Also you shall inquire of sléepers by day, and walkers by night, to steale and purloyne other mens goods and Connies out of Warrens, Fish out of mens seuerall Pondes or Waters, Hennes from Henrouse, or any other thing whatsoeuer, for they are ill members in a Common wealth, and deserue punishment therefore, if you know any such present them.

Eues droppers.

Also you shall inquire of Eues droppers, and those are such as by night stand or lye harkening vnder walles or windowes of other mens, to heare what is said in an other

mans

mans house to the end to set debate & dissention, betweene neighbors, which is a very ill office, therefore if you know any such present them.

Forstawlers, Regraters, and Ingrossers.

Also you shall inquire of Forstawlers, Regrators, and Ingrossers, euil members in a Common wealth.

A Forstawler is he which buyeth or causeth to be bought any victualles whatsoeuer going to any Faire or Market to be sold, and maketh any bargaine for the buying thereof before the same be brought into the Faire or Market, or doth make any motion for the inhauncing of the price of any victualles, or doth moue or perswad any person comming to the Faire or Market with victualles, to absent and forbeare his comming thither with any victuall to be sold there.

A Regrator is he that getteth into his hands in any Faire or Market, any Corne, Tallow, or Candelles, or any dead victuall whatsoeuer, brought to any Faire or Market to be sold, and doth sell the same againe in any Faire or Market, within foure miles next adioyning thereunto.

An Ingrosser is he or she that doth ingross and get into his or her hands, by buying or

promise taken, other then by demise, grant, or lease, of bond or bill, of Corne growing in the Fields, or any other Corne, Graine, Butter, Cheese, Fish, or any other dead victuall whatsoeuer, to the intent to sell the same againe for profit.

Their punishment.

For the first offence they ought to haue two monethes imprisonment, without baile or mainepryse, and forfeit the value of the goods bought and sold.

For the second offence they ought to haue halfe a yeares imprisonment, and to forfeit double the value of the goods bought and sold.

And for the third offence they ought to be set vpon the Pillorie, & to lose all their goods and chattels, and be imprisoned during the Kings pleasure.

Cattell sold within fiue weekes.

Also you shall inquire of such as vse to buy Cattell and to sell them againe within fiue weekes, they ought to lose double the value of their Cattell.

Of Butchers.

No Butcher ought to sell in any open faire or market, any other victual then that which is

is good and wholsome for mans bodie, and for reasonable gaines, and not at excessiue prices.

Shoomakers.

They ought to make their Showes and Bootes of good and well tanned Leather, and well licoured, curred, & sowed, to keepe men dry of their legges and feet. 5. Eliz.

Tanners.

Also you shall inquire of Tanners that haue vsed the occupation of a Corduweyner, or a Curryer, or that hath put any Leather to sale, but red Leather as it came from the Tanne fatte, or that hath put any Hyde or peece of Leather to sale, before it be well dryed, marked, and sorted, and then sold in open Market, or that hath tanned any Sheepe Skinnes.

Glouers.

Also you shall inquire whether Glouers, or white Tawers of Leather, doe make any other ware, then that which is good and substantiall, well tawed and dryed, and not rotten nor tainted, and sell the same at reason-

ble prices. And a Whit-Tawer may taw no Calfe Skinnes except they be put to him to be tanned, vpon paine to lose for euerie Calfe Skinne xx.d.

Bakers.

1. E. 3. Also you shall inquire whether the bakers doe their duties or not, in making of good and wholsome bread for mans body, of sweet Corne, and not corrupted, and that they make their bread in weight, according to the price of Wheate, in three Markets next adioyning, not changing the assise of bread, but by fiue pence in weight in increasing or abating, and if they doe the contrary, and be thereof duly conuicted, then for the first, second, and third time they shall be amerced after the quantity of their fault, and shall lose from time to time their bread so found to light in weight, but if they shall be found faulty herin the fourth time, then they must be set vpon the Pillorie in open Market, whose punishment may not be released for gold or siluer.

Also a Baker must set his owne proper marke vpon euery loafe of bread that he maketh and selleth, to the end that if any bread be faulty in weight it may be then knowne in whom the fault is.

Brewers.

Brewers.

Alſo you ſhall inquire of Brewers, and Tipplers, whether they make good and holſome Ale and Beere for mans body or not, and ſell and vtter the ſame according to the Lawes and Statutes of this Realme, And alſo they ought not to put out their Signe or Ale ſtake vntill their Ale bee aſſeyed by the Ale Taſter, and then to ſell and not before. 5.H.3. 51.E.3.

Fiſhers.

Alſo you ſhall inquire of Fiſhers whether they doe their duties or no, in bringing to the Market ſuch Fiſh as is good and holſome for mans body, and not corrupt or ſtinking, and there ſell the ſame at reaſonable prices, without taking of any exceſſiue gaines, but only for euery twelue pence beſtowing one penie clere gaines ouer and beſides their charges, and if any Fiſher ſhall do the contrary, then he ſhall be grieuouſly amerced from time to time, and his Fiſh if it be corrupt and ſtinking to be taken from him and openly burned in the Market. 25.H.8.c.7. 31.H.8.c.2.

Alſo no perſon may kill or deſtroy any yong Fry of Fiſh, in whatſoeuer Ryuer, freſh or ſalt, nor kill or take any Salmon or

Trout, or any Pike or Pickerill, not being in length tenne inches of cléere Fish or more, nor any Barbell except he be twelue inches long in cléere Fish or more, vpon paine of twenty shillings for euery Fish so taken and killed being not of the seuerall lengthes aforesaid.

Also no man ought to fish with any Nette or engine, angling onely excepted, but with such Nette or trannell as euery meash shall be two inches and a halfe wide, except Nets onely to take Lotches, Mennas, Butheads, Gudgions, Eles, and none other Fish, vpon paine of twenty shillings, for euery time offending; and losse of the Fish and the vnlawfull Nette.

Conspiracie of Victulers.

Also you shall inquire of the conspiracie of Victulers, and that is where any Butcher, Baker, Brewer, Poulter, or Cooke, shall or doe conspire, promise, or make Oathe, that they will not sell their victualles but at certaine prices, or if any Artificers, or Labourers doe conspire, promise, or couenant likewise not to do the worke which others haue begun, or will doe but certaine worke in a day, or will not worke but at certain houres and times, then euery such person so conspiring,

ring, promising, swearing, and offending, being thereof lawfully conuicted, shall forfeit for the first offence tenne pound, if he haue it to pay, then he must pay it within fiue dayes after his conuiction, or else he is to haue twenty daies imprisonment, and haue only bread and water for his sustenance, and for the second offence twenty pound, to be payd as is aforesaid, or else to suffer punishment on the Pillorie, and for the third offence, he shall lose fourty pound, to be payd as is aforesaid, or else to be set vpon the Pillory, and lose one of his eares, and euer after to be taken as an infamous person, And if such conspiracy shal happen to be made by any Company or Corporation, they shall lose their Corporation, besides the penalty and the particular punishment aforesaid. 2.E.6.

False Weights and double Measures.

Also if any within your inquirie, shall vse any false weights or double measures in deceiuing of the kings subiects in buying with a great measure and in selling with a lesse, the offender thereof therein shall be grieuously punished and imprisoned vntill he hath made fine with the King for his offence. 51.E.3.

No

No man ought to sell any Corne, Ale, Bread, or Wine, but by a measure sealed with this letter H. vpon paine of forfeiture for the first offence fiue shillings eight pence, for the second offence thirteen shillings foure pence, and for the third offence twenty shillings, and to be set on the Pillorie, to the example of others, and the measure not sealed to be broken, all which forfeitures are to the Lord of the Liberty where such offence is committed, and if it be in a City, or Borough, then it is to the Maior and Cominaltie.

1. Iac. Also you shall inquire of such as vse to trace Hares in the snowe, or to kill Hares with harepipes, or other engines, by an olde Law they forfeit fiue shillings eight pence, for euery Hare so killed, but by a later Law made in the first yeere of the King that now is, twenty shillings.

No Lay man may lawfully keepe any Greyhound, or hunting Dogge, Ferits, or Nets, vnlesse he can dispend fourty shillings per annum, Freehold, nor no Spirituall man vnlesse he can dispend ten pound per annum, of spirituall promotion, vpon pain of a yeres imprisonment.

Crow nette.

3. Eliz. Also you shall inquire if there be in euery Parish

Parish and Tything within your inquirie a Crow net, prouided to kill & destroy Crows, Rokes & Choughes, according to the Statute or no, if there be not, they ought to lose x.s. for euery default, & it is not inough to haue one, but it must be vsed, & scrapes made in the winter to that purpose, vpon the like paine, but house Doues & pigions may not in any case be taken with it. 5.H.

Apparrell.

Also you shall inquire of such as exceed in Apparrell contrarie to the Statute, for no man except he may dispend twenty pounds yeerely in lands for his life at the least, or is worth two hundred pounds in goods, ought to weare any Silke on his Hat, Hose, Showes, Girdls, Scabberd, or spurleathers, vpon paine for euery daies wearing of it x.li. and three monethes imprisonment, and if any man know his seruant to offend herein, and doe not put him away and not take him againe within a yeere after, doth forfeit C.li. for euery such offence by the same Statute, & these persons only are excepted out of the statute, viz. The kings Councell, the Barons of the Exchequer, Iudges of the law, seruants at law, the K. phisitions, maiors, & recorders of cities & townes corporat, & their wiues. 24.H.8.

Also

Refuse to goe to Muster.

Also you shall inquire if any haue refused to goe to musters, if there be any such they ought to lose xl.s. and to haue ten dayes imprisonment.

Also no man ought to water any Hempe or Flax in any running streame, vpon paine of twenty shillings.

1.E.3.fol.16. Also you shall inquire if any man haue receiued into his seruice any seruant, and hath kept him by the space of a yeere, and not sworne to the King according to the statute, his Master must be amerced, and the Minister ought not to receiue any man to the Communion table before he be sworne to be a liege man to the King.

Drunckerds.

.Iac. Also you shall inquire of Drunckerds, for they ought to be presented, and to pay if they be able for euery time they be drunke v.s. to the vse of the poore of the Parish where the offence is committed, if not able, then after conuiction therof, they ought to sit six houres in the Stockes.

Also

Also an Alehouse keeper ought to lose twenty shillings for euery pot they sell that is not a full quart, and tenne shillings for suffring of any Townesman to sit drinking in their houses, except he be brought thither by a stranger, & then he may not stay there aboue one houre. 1. Iac.

And Brewers by the same Law ought to lose for euery Barrell of Beere or Ale fiue shillings and eight pence, which they lay into any mans Seller to be sold their by retaile by any that is not licenced to sell Ale or Beere.

Weyses streys and felons goods.

Also you shall inquire of weyses streys and felons goods, weyses are Cattell stolen and weyued out of the possession of him that stole them, and streys are Cattell streyed out of their haunt, and they ought to be seised vpon to the Lords vse, and to be weathed and put into an open place, and not in a couert, to the end the owner may haue the view of them, & they must be cryed at three Market Townes next adioyning to the place where they are streyed, and if they be not challenged within a yeere and a day, then they belong to the Lord of the Soyle where they are by the Law, otherwise not. 18. E. 2.

which

Which is al maner of felons goods which may (presently after the felony is knowne to be committed) be seised vpon, but not take away but left with the Townelship, for the felon must haue his finding out of it so long as he liues vnconuicted or attainted, but when he is conuicted or attainted, his goods then properly belong to the Lord of the Leet, if he haue words for it in his Charter, otherwise they belong to the King.

Treasure troue.

Also you shall inquire of treasure troue, either vpon the ground or within the ground for if any hath bene found within the iurisdiction of this Court, it belongs to the Lord of this Leet or Law-day.

Mortmaine.

Also you shall inquire if any man hath giuen any lands in Mortmaine that is to any Religious house, or Religious person, or to any Corporation, Guild, or fraternity, without licence, such gift is void, and the Lord may enter by way of Escheat.

Also you shall inquire if the paines laid at the last Leet or Law-day be performed or no, if not, then you must present those that haue made default, and then those paines must be read to the Iury.

And to conclud, if there shall any other thing

thing come to your knowledge meet to be presented, and by any omitted to be giuen in charge, you shall as well inquire thereof and present it as the rest.

Then cause the Bailiffe to make three Proclamations and say thus: If any man can informe the Steward of this Leet or his Inquest of any petty Treason, Felony, Petty Larciny breach of the Peace, or of any other matter or thing now giuen in charge let them come forth and they shall be heard.

And if any doe come in, then sweare them thus: that the euidence which they shall giue, shall be the truth, and the whole truth, and nothing but the truth, so God them help and the contents of this booke, then adiorne the Court till after dinner.

Then at your returne from dinner, Call all the Tithingmē & take their presentmēts.

And then that done take the presentments of the Jury, if they be ready with them or else giue them a day to bring in their presentments & the cōmonly is ỳ best seruice done.

Then sweare all the officers to their seuerall offices that are then, & there to be sworn.

Then adiorne the Court vntil the day giuen to ỳ Jury to bring in their presentmēts, but if they haue no day giuen them you may discharge the Court by Pro. thus. viz. according as other Courts are discharged.

Then

Then at the day when the Jury deliuers in their presentments, you must first call them by their names, to see if all be there or no, and then aske them if they be agreed of their presentments, if they say they be, then receiue their presentments in writing in English, vnder their hands, for the Stewards warrant, and the Steward must turne them into Latin in this maner, not altering the substance thereof, viz.

Pettie Treason.

INprimis, Iur' pred' dicunt & present super eorum sacramentum quod R. S. de A. gener. apud A. infra iurisdiction' huius Cur' vt felo Domini Regis cent' Angelos aureis & trescent' grossos falce & felonice excudebat & fabricabat litteris patentibus Domini Regis inde prius non obtent' contra pacem dicti Domini regis nunc coron' & dignit' suas & contra formã statuti in huiusmodi casu edit & prouis.

Felonie comburiend' dom.

Item present' quod quidam T.D. de I. Yeoman

yeoman tali die &c. apud I. infra iurisdictionem huius Cur' vi & armis &c. voluntarie ac felonice ex malitia sua præcogitat' domũ cuiusdam I. *S.* combussit contra pacem domini regis ideo precept' est balliuo seisire oĩa terr' tenet' bona & catalla sua vt respondeat de ijsdem dom. huius manerij.

Felon.

Item present' quod W. P. de I. predict' Laborer, tal' die &c. apud A. infra iurisdictionem huius Cur' vi & armis &c. ac contra pacem dom' regis clauſ. cuiusd' A. B. apud I. predict' fregit & intrauit & vnam tunicam bisseam vocat. Satten coloris nigri de bonis & catallis predict. A. adtunc & ibidem inuent' felonice cepit & asportauit ideo prec' est balliuo seisire vt supra.

Accessarie.

Item present' quod W. S. de I. predict. yeoman, infra iurisdictionem huius Cur' consultauit instigauit procurauit cõfortauit

tauit & abbettauit quendam H. W. &c. vnam vaccam coloris nigri precij xxx.s. de bonis & catall' cuiuſdam E.F. adtunc & ibm' inuent' felonice furare capere & abducere ac pred' L. virtute conſultationis inſtigationis procuration' confortacionis & abbettacionis pred. W.S. pred' vaccam tali die &c. anno &c. felonice furatus fuit cepit & abduxit.

Rape.

Item preſent' quod A.B. de I. yeoman tali die &c. apud I. infra iuriſdictionem huius cur' clauſum & domum cuiuſdam C.D. fregit & intrauit & in quandam K. C. filiam &c. in pace dei & domini regis exiſten' inſult' fecit & ipſam vi & armis adtunc & ibidem cont. voluntatem ſuam rapuit & eam carnaliter cognouit contra pacem &c.

Felonie.

Item preſent' qd A. B. de I. pred' yeoman tali die &c. apud I. infra iuriſdictionem huius cur' circa horam nonam in nocte eiuſdem diei domum & manſionem

nem cuiuſdam C. D. vt felo domini regis fregit & intrauit ea intentione ad ſpoliand predict' C. D. & ſex Angelos aureos de bonis & catallis predict' C.D. adtunc & ibidem in quadam ciſta exiſtentes felonice cepit & aſportauit contra pacem &c.

Roberie.

Item preſent' quod E. F. de I. predict' Laborer tali die &c. apud I. infra iuriſdictionem huius cur' vi & armis ac contra pacem &c. in quendam T. B. apud &c. infra iuriſdictionem huius cur' in regia via ibidem in pace dei & dom. regis exiſtentem inſultum fecit & ipſum T.B. adtunc & ibidem ſpoliauit & ſexdecem ſolidos et vnum Angelum aureum de bonis & catall' pred' T. B. in quodam marcipio ſuo adtunc & ibidem exiſten' a perſona ipſius T. felon' cepit & aſportauit cont. pacē dom. regis coron' & dignitat' ſuas &c.

Huteſsius.

Item preſent' quod pred' T.B. exiſten' ſpoliat' leuabat magnā Huteſſ. & proclamacionem

macionem & pred' E. F. tanquam felo dicti dom. regis dict. die & anno a pred' loco vbi ſic ſpoliat' fuit recenter inſequebatur vſque ad pred' villam de &c. & qd nullus inhabit' ibidem pred. felon' ſuper huteſſ. predict' inſequebatur & ſic pred' felo euaſit in dicti dom. regis contempt' ac contr' formam Statuti de Winton' in huiuſm. caſu ædit' & prouis' ideo pred. villa de &c. in miſ. &c.

Fugam fecit.

Item preſent' quod E. L. de I. predict' yeoman tali die & anno &c. apud I. infra iuriſdictionem huius cur' quendam ſpadonem coloris albi precij &c. de bonis & catallis cuiuſdam A. B. in communi campo ibidē exiſten' felonice furat' fuit cepit & abduxit. Et quod pred. E. L. pro felonia pred' ſe retraxit & effugit ideo precept' eſt balliuo ſeiſire duas vaccas de bonis & catallis predict. E. L. tanquam eſcaet' & domino forisfact', Et qd ſaluo cuſtodiantur ad vſum dom. vel ſic ſi ſit pro rege ad vſum dom' regis.

Eſcape.

Eſcape.

Item preſent' quod cum quidam B.R. de I. pred' yeoman capt' fuit & arreſtat' pro ſuſpicione cuiuſdam felonię & in cippis poſit' quidam I. F. de I. predict. Laborer tali die & anno &c. apud I. pred' cippos vi & armis ac felonice fregit & predict' B. R. adtunc & ibidem euadere & ad largum ire permiſit contra pacem Ideo precept' eſt balliuo vt prius &c.

Felon' in Reſcuſſ.

Item preſent' quod T. I. de I. predict. infra iuriſdictionem huius cur' vnum vitulum precij &c. de bonis & catallis cuiuſdam I. B. adtunc & ibidem inuent' felonice cepit & aſportauit. Et quod W. Q. balliuus manerij prædict' tali die & anno &c. apud I. predict. predict. T. I. pro ſuſpect' felonię pred' arreſtauit & quod W. F. de I. Laborer vi & armis &c. apud I. pred' dict' die & anno in pred' W. Q. in pace dei & dicti dom. regis exiſten' inſultum fecit & pred' T. I. in cuſtod' pred. W. adtunc & ibm' felonice cepit arripuit

& reſciſſit & ad largum ire permiſit contra pacem &c. Ideo prec' eſt vt ſupra &c.

Felon' Columbar'.

Item preſent' quod A. B. de I. predict' yeom' tali die & ann' &c. apud I. inf. iuriſdiction' huius cur' circa horam primam in nocte eiuſdem diei quoddam columbare cuiuſdā &c. fregit & intrauit & quadragint' columbas precij &c. de bonis & catall' &c. felon' cepit & aſportauit contra pacem &c. ideo &c.

Felon' damæ Domeſticæ.

Item preſent' quod I. W. de I. predict' genroſ. tali die & anno &c. apud I. infra iuriſdictionem huius cur' quandam damam Domeſticam & gerent' caperanam circa collum ſuum precij &c. de bonis & catallis cuiuſdam &c. adtunc & ibidem inuent' felonice cepit & aſportauit contra pacem &c. Ideo prec' eſt balliuo vt ſupra &c.

Felon' trunco fract'.

Item preſent' quod I. L. de I. predict' yeoman

yeoman tali die &c. apud I. predict' infra iuriſdictionem huius Cur' circa horã primam in nocte eiuſdem diei quendam truncum cuiuſdam &c. fregit & intrauit & decem piſces vocat' Pykes, prec' &c. de bonis & catallis predict' &c. a trunco eiuſdem &c. adtunc & ibidem felonice cepit & aſportauit contra pacem &c. ideo &c.

Pettie Larcenie.

Item preſent' quod P. I. de I. predict. yeoman, tali die &c. clauſum cuiuſdam &c. apud I. fregit et intrauit et vnũ mantil' vocat' a Towell valoris vj.d. de bonis et catallis predict' &c. adtunc & ibidem inuẽt' felon' cepit & aſportauit. Ideo &c.

Venditio in cemiterio.

Item preſent' qd W. B. & T. B. de I. pred. Carnifices tali die &c. inf. precinct' vif. Franc' Pleg' poſuerunt carnes ſuas & alia venalia in Eccleſia & cemiterio de I. prædict' ad vendendum eaſdem que vbi diuina Seruicia celebratur &

humana corpora ſepiliuntur vendider' cont' formam ſtat. de Winton' in huiuſmodi caſu ædit' & prouiſ. ideo ipſi in miſericord' &c.

Catalla Waiuiat'.

Item preſent' qd quidam M.S. veniebat infra iuriſdictionē huius cur' & huc attulit' quedam bona & catall' per ipſum furat' viz. vnum inducen' linen' valoris &c. diuerſis alijs veſtament' Anglicè *One Smocke, one Petticote, and one Shirt* que oīa predict' valent' xx. s. & non amplius & que omnia & ſingula huc per pred' M. allar' & eadem M. hic infra iuriſdictionē huius manerij illa wauiauit reliquit & aufugit per qd oīa bona & catalla pred' peruenerunt domin' iſtius manerij ſuper qd precept' fuit balliuo ſeiſire in manus dom' tanquam eſcaet' & domino foriſfact' & ſic fecit & bona & catalla predict' fuer' deliberat' domin' in iſta cur'.

Communis finis.

Itē dic' quod dant dom. de certo pro cōmune fine ad hunc diē ex antiqua cōſuet' vj. s. viij. d.

Defalt

Defalt' decenar'.

Item preſent' ſuper eorum ſacrim. qd I.R.R.W. & I.W. ſunt reſiãtes infra precinct' vis' franc' pleg. pred. Et ad hũc diẽ fecer' defalt' ideo quilibet eorum in mĩa prout patit ſuper eorum capit'.

Non Iur' in decin'.

Item preſent' qd R.W. ij. d. W.F. ij. d. R.B. ij. d. & W.G. ij. d. inhabitauer' infra precinct' huius vis' franc' pleg. per ſpaciũ vnius anni & diei & amplius, & non iurantur dom. regi, pro legiãcia ſu. id. quilibet eor' in mĩa prout pat' ſuper eorum capit'.

Nocument' aquæ.

Item preſent' qd R.C. de I. pred. yeoman, diuertit cõem curſum cuiuſdam riuole ducen' per dom' cuiuſd' T.H. extra rect' curſũ quo ſolebat currer', Ideo prec' eſt ei dimittere riuol' ill' currere in ſoe recto & priſtino curſu citra feſtum &c. ſub pœna &c.

Nocument'

Nocument' frondes.

Item preſent' qd eſt quædam ſepes de magna creſſitudine & qd frondes inde, pendent vltra venellam voc' Kings lane ad nocument' carriag. vltra eandem venellã carriand' in defect. W.C. ideo prec. eſt ei ſuccindere ſiue amputar' ſepes ill' circa feſt' &c. ſub pœna &c.

Nocument' guttura.

Item preſent' qd eſt quedam guttura ducens a domo ſiue coquina T.I. per quam ſordida ſiue aqua fetoſa a dict. coquina eſt conduct. in regiam viam ad graue nocumentum regiæ viæ & omnium carriag. vltra eandem carriand' per populum dom. regis, ideo prec' eſt ei amouere ſiue obſtupare ill' citra feſt. &c. ſub pœna &c.

Communis via.

Item preſent' qd communis via ducẽs per campum voc' le Prebends field, eſt cõis via adducend' & equitand', & ſic vſa fuit a tempore cuius contrarij memoria hominis non exiſtit, Et quod port' &

pons

pons exiſten' vltra vlteriorē pont' debēt eſſe manutener' & cuſtod' per terr' tenē', & modo non ſunt, ideo prec' eſt terr' tenen' eandem portam & pontem emandare & reficere ante feſtum &c. ſub pœna &c.

Nocument' Sterquilini.

Item preſent' qd R.W. erexit quoddā Sterquilin' aduerſus domū ſuā proper regiam viam ad nocument' popul' dom. reg ideo prec' eſt ei amouere & abſcariare ill' citra feſt.&c.ſub pœna &c.

Nocument' foſſat'.

Item preſent', qd eſt quodd' foſſat' inſcurat' & immūdat' in defect.R.*S*.ad nocument'&c.ideo ipſe in mīa 12.d.Et precept' eſt ei eſcuer' ſiue inundare ill' citra feſt.&c.ſub pœna &c.

Hoſpitatrix meritricium.

Item preſent', qd A.B. vidua eſt cōis hoſpitatrix & receptrix meritricium & mulier' malæ famæ & conuerſationis ad graue nocumentum vicinorum ſuorum, ideo amerciatur 2.s.

Obiargatrix

Obiurgatrix.

Item preſent' qd N.C. 2.d. vidua eſt cõis obiurgatrix cum vicinis ſuis & cõis fractrix ſepiũ & cuſtodit quend'W.C. filium ſuum in domo ſua, Et ipſe non eſt de bona fama ſiue gubernationis, ideo ipſe in miſericordia prout pat' ſupra &c.

Treſpas.

Item preſent' qd quidã A. B. ſeruiens W.C. balliũdom' vt fuit deducens cert' cattall' cuiuſd' R.G. vſq; ad parcũ dom. ibidem imparcare, venit quidam D.P. cũ violenc' magna in parcum pred. cũ vno gladio valor' v.s. & adtunc & ibid. pred. A.B. pcuſſit cũ eodẽ gladio ſuper caput eius, & effudit ſanguinẽ ſuper eundem A.B. occaſione cuius percuſſionis pred. B. cecidit ad terrã quaſi mortuus eſſet, Id. pred. D.P. in miſericord', & affer' per capital' pleg. ad v.s.

Treſpas & verberatio.

Item preſent' qd I.S. fecit affraiam infra iuriſdiction' huius cur', & traxit ſanguinem,

guinem, Ideo ipſe in miſericordia 6.s. 8.d.

Defalt' de Conſtabl'.

Item preſent' qd W.G. eſt Conſtabularius, & non eſt hic ad vis' franc' pleg. ad preſentand' id quod ad officium illud pertinet ſed fecit defalt', Ideo ipſe in mīa 3.s.4.d.

Common appreciatores.

Item preſent' qd R.B. & W.G. ſunt communes appreciatores, & debent eſſe hic ad preſentand' id quod ad offic' illud pertinet & fecer' defalt', ideo ipſi in mīa 3.s.4.d.

Scrutores vitul' defalt'.

Item preſent' qd B.R. & C.D. ſunt ſcrutatores victual', & eſſent hic ad vis' franc' pleg. ad preſentand' id qd ad officium illud pertinet & fecer' defalt', ideo vterq; eorum in mīa 2.s.

Eſcora-

Escoratores vicorum defalt.

Item present', qd T.I.& W.I. sunt escoratores vicorum, & debent esse hic ad vis.frãc' pleg. & fecer' defalt', ideo vterq; eorum in mĩa 6.d.

Extrahura.

Item present' super eorũ sacram', quod xx.die Maij, anno reg.&c. veniebat infra dominium istud, vnus equus color' gray de extrahura & remanit in custodia X. D. ad proclamand'.

Item present', qd est vnus Pullus coloris bey, ætatis quatuor ann. siue plus qui veniebat infra dominium istud extrahura 9.die Septem. anno regni &c. precij 24.s.& remansit in custod. balliui ꝑ spacium vnius anni & vnius diei post tres proclam. per tres separales dies fact. secundum formam statuti, ideo proprietas eiusdem Pulli est in dño.

Pistor in misericorda.

Item present', qd W.M.12.d. & R.B. 12.d. sunt cões pistores humani panis & per

per diuersas vices pinsuerunt panē insalubrē, & freger' ass. ideo vterq; eorum in mīa, prout patet supra eorum capit'.

Brachiat' in misertcordia.

Item present', qd R.W.12.d. & I.D. 12.d. sunt cōes braciatores seruiciæ, & braciauerunt per diuersos vices seruiciū insalubrem, & freger' ass. ideo quilibet eorū in mīa prout patet supra eorum capit'.

Tipulator' in misericordia.

Item present', qd E.W.12.d. & W.X 12. per eorum vxor' sunt cōes tipulator' seruic', & per illicitas mensuras vendiderunt seruiciā, & freger' ass. ideo vterque eorum in misericordia prout patet supra eorum capit'.

Pœna ponit'.

Imprimis ordinat' est, qd R.B. faciat & escorat fossat' suum apud inferiorē finem de great hill field contin' per estimation' xx. particat' citra festū Natiuitatis sancti Io. Bapt. prox. futur' sub pœna pro quolibet particat' inde 8.d.

Pœna.

Pœna.

Item ordinat' eſt qd T.M. reformat & exponat quand' parcell' terræ nuper per illum incrochiat' inter waſh lane & Pickham cõmon, ante feſtũ oĩm ſanct' prox. futur' ſub pœna, pro quolib. particat' nõ reformat' atq; expoſit' 20.d.

Pœna

Item ordinat' eſt qd nullus permittat aueria ſua, viz. boues vel vaccas ſuas trãſire & paſcere ſuper cõmuniam huius dominij, ſed in venellis eidem manerio pertin' abſq; cuſtod' ſub pœn' forisfact' dom. per quemlibet eorũ pro quolibet tẽpore 2.d.

Pœna.

Item ordinat' eſt, quod W.I. amoueat Sterquiliniũ ſuum iacen' per regiam viam aduerſus domũ ſuũ ante feſt' Paſchæ prox. ſub pœna forisfact' x.s. domin' huius manerij.

Pœna.

Item ordinat' eſt, qd I.F. fac' & manuteneat pontẽ in clau. ſuo voc' great Colmans, in via ducen' at Alton vſque W.

ſub

ſub pœna forisfaciend' dom.x.s.

Pœna.

Item ordinat' eſt, quod quilibet iugulat vel anulat porcos ſuos ante feſtum ſancti Michaelis Archangeli proxim. & eoſdem ſeruaret ſic ingulat ſiue anulat vſque ad feſtum ſancti Iohannis Baptiſt. tunc proxim. ſequen', ſub pœna forisfact. domino pro quolibet porco pro qualibet ſeptimana tres ſolid. & quart' denar'.

Then there reſts no more to be done at a Leete or Law-day, but to miniſter to euery officer his particular oath, and firſt the maiors oath, if there be one there, and that muſt be thus:

The Maiors Oath.

YOu ſhall ſweare that you well and truely ſhall ſerue our Soueraigne Lord the King, and his liege people in the Office of a Maior, and as Maior of this Towne and Borough of P. for and during the ſpace of one whole yeare nowe

next insuing, and you shall minister equall iustice as well to the poore as to the rich, to the best of your cunning, wit, & power, and ye shall diligently procure such things to be done as may honestly and iustly bee to the profit and commoditie of the corporation of this towne, and also indeuour your selfe to the vttermost of your power to see all Herresies, Treasons, Felonies, and all other Trespasses, Misdemeanors, and Offences whatsoeuer to bee committed within this town & borough, during the time of your office, to be repressed, reformed, & amended, and the offendors duly punished according to the law. And finally you shall support, vpholde, and maintaine the common wealth within this towne, prescribed customes, rights, liberties, iurisdictions, franchises, compositiõs and all lawfull ordinances of this town and borough, and as concerning all other things appertaining to your office, you shall therein faithfully & vprightly behaue your selfe for the most quietnes, benefit, worship, honestie and credit of this town, & of the inhabitants thereof, so helpe you God, and the holie contents of that booke.

His

His oath for the Supremacie by the gatute of 1. Eliz. & 1. Iac. Regis.

I A. B. doe here testifie and declare in my conscience, that the Kings highnesse is the onely Supreame gouernour of this Realm, and of all other his highnesse Dominions and Contries, as well in all Spirituall or Ecclesiastical things or causes, as temporall, and that no forreine prince, person, prelate, state, or potentate, hath or ought to haue any Iurisdiction, Power, Superiority, Preheminence, or authoritie Ecclesiasticall or Spirituall within this Realme, And therefore I doe vtterly renounce and forsake all forreine Iurisdictions, Powers, Superiorities, and Authorities whatsoeuer, and doe promise that from henceforth I shal beare faith and true allegiance to the Kings highnesse, his heires and lawfull successors, and to my power will assist and defend all iurisdictions, priuiledges, preheminencies, and authorities granted or belonging to the Kings highnesse, his heires, or successors, or vnited and annexed to the imperiall crowne of this realm, so helpe me God, and the contents of that booke.

The oath of the Recorder.

YOu shall sweare that you well and truely serue our Soueraigne Lord the King, and the Maior, Aldermen, and Burgesses, of this Towne and Borough of P. in the Office of Recorder, and as the Recorder of this Towne and Borough of P. ye shall be faithfull and iust and giue good aduise and Councell vnto the Maior, Aldermen, and Burgesses of this Towne, for and concerning any matter or cause that shall concerne or touch the franchises, liberties, and good orders of this Towne, whensoeuer they shall require or desire you so to doe, yee shall not vtter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this Towne, whereby any preiudice, losse, or hinderance, or slaunder shall or may arise, grow, or be to the same Corporation: And further yee shall do to your power, will, and cunning, all and euery thing that shall appertaine to your office for the most benefit, worship, and credit of this Towne, and of the Inhabitants thereof, so helpe yee God, and the contents of this Booke.

Ye must also take the oath appointed by Statute

Statute for the Maior for the Supremacie.

The oath of the Towne Clerke or Steward.

YOu shall sweare that you well and truly shall serue the Maior, Aldermen, and Burgesses of this Towne in the Office of Steward and Towne Clerke of this town and Borrough of P. and truely to see all Plaints, Actions, Proces, and matters in the Courts to bee holden before the Maior, Aldermen and Burgesses of this Towne, and by you or your sufficient Deputy, according to the Custome and Liberties of this Towne, to be entred and recorded as they ought to be, after the best of your cunning, wit, or power, taking for the same your due fees, and the perquisits, issues, profits, and amerciaments of the same Courts, you shall iustly and truely write and extract yeerly, for the leuying and gathering thereof and you shall truely and diligently doe and accomplish all other things appertaining to your said office after the best of your knowledge, as neare as God shall giue you grace, So helpe you God, and the contents of this booke.

Ye must also take the oath appointed by the statutes for the Supremacy.

The Oath of the Coroner if there be any.

YOu shall sweare that you well and truly shall serue our Soueraigne Lord the King, and his liege people in the Office of a Coroner, as Coroner of this Towne and Borough of P. and yee shall diligently and truely doe and accomplish all and euery thing and things appertaining to your Office, after the best of your cunning, wit and power, for the most quietnesse, profit, ease, and credit of this Towne, and the Inhabitants thereof, taking such fees as you ought to take by the Lawes and Statutes of this realme, so helpe yee God, and the contents of this booke.

Yee must also take the oath aforesaid for the Supremacie.

The oath of the Receiuors.

YOu shall sweare that you well and truly shall serue the Maior, Aldermen, and Burgesses of this Towne of P. in the office of Receiuorshippe, and as Receiuors of the same Towne for and during the space of one

one whole yeare, now next insuing, and yée shall reasonably and honestly procure the profit of the Corporation of this towne in those things which touche your Office: and yee shall also well and truely collect, leuie, and gather all and all manner Rents, Reuenues, Casualties, Duties, and Profits belonging vnto the said Office, and the same shall truely pay and deliuer, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to bee made without concealment: and further you shall diligently giue attendance to the Maior of this Towne and Corporation according to ancient custome, and euerie other thing belonging to your office, you shall well and truely do and accomplish to the best of your skill or power, so helpe yée God, and the contents of this Booke.

The Oath of the Chamberlaine and generall Receiuor.

YOu shall sweare that you well and truely shal serue the Maior, Aldermen, and Burgesses of this towne and borough of P. in the office of chamberlaine or generall receiuor of this towne, and therin shall you doe right to all maner of people both poore rich

in those things which touch your office, the receit of the mony due or belonging to the maior, aldermen & burgesses of this Town and Corporation, you shall truely and safely kæpe and haue alwayes in a readinesse to the vse & behoofe of the Corporation of this towne whensoeuer occasion shall serue, and not waste or dispend the same but make true declaration and account thereof, when you shall be thereunto required without concealment, according to the credit and trust to you committed in this behalfe, So God you helpe, &c.

The oath of a Burgesse.

You shall sweare that you well and truely shal serue our Soueraigne Lord the king, his heires and lawfull Successors, and the Inhabitants of this Towne and Borough of P. as one of the Burgesses of this Towne and shall minister equall Iustice to poore and rich after the best of your cunning wit and power, and also shall well and truly obserue, performe, fulfil and kæp al such good orders, rules, and compositions as are, or shall bee made, ordered, or established by the common Counsell of this Towne, for the good gouernment thereof in all things to you appertaining, and you shall not vtter or dis-

close

close any counsell or secret thing or matter, touching the Fellowship or Corporation of this Towne, whereby any preiudice, losse, hinderance, or slander shall or may arise, grow, or be to the same Corporation, but you shall in all things belonging to the Fellowship and Corporation of this Towne faithfully, honestly, and indifferently, behaue your self for the most benefit, worship, and honesty of this towne and the Inhabitants thereof, So God you helpe, &c.

The like oath is to be ministred to an Alderman, mutatis mutandis.

The oath of the Constables.

YOu and either of you shall sweare that you well and truely shal serue the Kings Maiestie, and the Maior, Aldermen and Burgesses of this Towne and Borrow of P. in the office of Constableship and as Constables of this Towne for, and during the space of one whole yeere now next ensuing, you shall endeuour your selues to the vttermost of your powers, to see the Kings Maiesties Peace to bee kept, and watch and ward obserued and kept in this towne, as hath beene accustomed, and as it ought to be, likewise you shall endeuour your selues to learne and vnderstand the Contents of

the

the statute of Winchester, and diuers other Lawes and Statutes of this Realme, made for the punishment of rogues, vagabonds, and sturdie beggers, haunting and resorting within the precinct of your office, and punish the offendors accordingly. Also you shall punish all such persons as doe or shall play at any vnlawful games, according to the Statute in that case made and prouided. You shall also haue regard for the maintenance of Artillerie within your said office; and that you shall do and accomplish to the vttermost of your powers. So helpe you God &c.

The Oath of the Serieants.

YOu and eyther of you shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this towne in the office of Serieantship, and as Serieants of this towne, for and during the space of one whole yeare now next comming: and you shall well and truely serue, doe, and execute all and all maner Precepts, Warrants and commaundements to you and eyther of you to be lawfully giuen and directed, touching or concerning any matter, cause or processe to be moued, had, or depending in the Kings Maiesties Court, to be holden within this Towne, according to the Liberties thereof,

thereof, or at large; and shall make due returnes and answeres thereunto, and make certificate thereof according to the effect of such Precepts, Warrants, and commandements, taking therefore your ordinarie fées, and none other: And also you shall diligently giue attendance vnto Master Maior, and waite on him, as hath beene accustomed, and as you ought to doe, and his commaundements and messages truely to doe and say, and not alter the same so that it may be preiudiciall or hurtfull vnto the said Master Mayor or anie other: and likewise you shall giue attendance and be ayding and assisting vnto the Constables of this towne in any thing that they or eyther of them shal reasonably and lawfully commaund or will you to doe: and you shall diligently and truly doe all other things apperteyning to your said office to the vttermost of your power. So helpe you God and the contents of this Booke.

The Oath of a Freeman.

YOu shall sweare that you shall bee true liege man, and true faith and truth beare to our Soueraigne Lord the King his heires and lawfull successors, and to your power shall ayde and assist the Mayor and other officers

officers of this Towne for the time being, and to them shall be obedient and attendant concerning such things as they or any of them shall lawfully and reasonably will or commaund you to doe: you shall also well and truely obserue, performe, fulfill, and kæpe all such orders and rules as are and shall be made and established by the common Councell of this Towne, for the good gouernement thereof, in all things to you appertaining: you shall also giue, yæld, and be contributarie to and with the Corporation of this Towne, so farre forth as you ought or shall be chargeable to doe, and you shall not by colour of your frædome beare out, or couer vnder you any forrein person or stranger, but according to the best of your skill, wit, cunning and power you shall vphold and maintaine all the Liberties, Franchises, good customes, orders and vsages of this Towne and Corporation. So helpe you God &c.

The Oath of the Tythingman or pettie Constable.

THe Oath of the Tythingman or pettie Constable is in all points as the Oath of the Constable mutatis mutandis, sauing further that the Tythingman must bee

sworne

ſworne to be attendant on the Conſtable when he ſhall execute his office, being thereunto required.

The Oath of an Aletaſter.

YOu ſhall ſweare that you ſhall well and truely ſerue the Kings Maieſtie, and the Lord of this Leete in the office of the Aletaſter or Aſſiſor of this Libertie and Hundred for this yeare to come: you ſhall duely and truely ſee from time to time that the bread brought to be ſold be truely weighed; and that the ſame doe conteyne ſuch weight, according to the prices of Wheate, as by the Statute in that behalfe is prouided: likewiſe you ſhall haue diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and euerie of them doe make good and holeſome Ale and Beere for mans bodie, and that the ſame be not ſold before it be aſſayed by you, and then to be ſolde agreeable to the prices limitted and appointed by the Kings Iuſtices of Peace, and all faults committed or done by the Bakers, Brewers, or Tiplers or by any of them, you ſhall make knowen and preſent the ſame at this Court, whereby due puniſhment may be inflicted vpon them for their offences accordingly; and

and in euerie other thing you shall well and truely behaue your selfe in the said office for this yeare to come. So helpe you God &c.

The Oath of fealtie to a Freeholder.

YOu shall sweare by the contents of that booke, that you will be true and faithfull to the Lord of this manno*r*, and shall from henceforth beare, doe, and pay to your said Lord, and to his heyres at termes assigned, all suth rents, customes, and seruices as you ought to pay and doe for all such landes and tenements as you claime to hold of him. So helpe you God &c.

The Oath of a yongling.

THis heare you the Steward and the Court, that I shall sweare that I will be true liege man, and true faith and troth beare to our Soueraigne Lord the king that now is, and to his Highnesse heires and lawfull successors kings or Quenes of this Realme of England, and other his Dominions depending on the same: And I shall with all my power, wit, and endeuour defend and maintaine his highnesse right and title of this Realme and Dominions against all forrein Princes and forrein Potentates,

and

and shall no Felonie nor Treason commit, nor thereunto assent, but as soone as anie Treason shall come to my knowledge I shall make the same to bee knowen to the Kings highnesse, his heires and successors, or to his Highnesse most honourable Priuie Councell, or to such as haue or shall haue rule and gouernement ouer his highnesse subiects (which commonly are the Iustices of Peace) within foure and twentie houres next and immediatly after it shall come to my knowledge; and shall be obedient to all the Kings Maiesties Lawes, precepts, and proces proceeding from the same, and in all things I shall well and truely behaue my selfe, like a true and faithfull subiect during the terme of my naturall life. So God me helpe &c.

The Oath of a Desnier.

YOu shal sweare that you I. S. from this day during your life shal be faithfull and loyall to our Soueraigne Lord the King and to his heyres, and true faith and loyaltie you shall beare of life, member, and terren honour: and you shall beare of no hurt or damage that may befall them, but you shall disclose it, & to the vttermost of your power you shal defend them. So God you helpe &c.

The

The Oath of the Heyward.

YOu shall sweare that you shall well and truely serue the Kings Maiestie, and the Lord of this Leete in the office of a Heyward for this yeare to come: you shall duely and truely execute all such Attachments and other proces as shal be directed vnto you from this Court, and you shall from time to time signifie and present all such Pound breaches as shall happen to be made within your office: And likewise you shall present all such cattell estrayed as shall vsually come within your office, and in euerie other thing well and truely behaue your selfe during the time aforesaid. So God you helpe &c.

The Oath of the Affiers.

YOu and eyther of you shall sweare by the holy contents of that booke, that you will truely and indifferently rate, assesse, and affier all such amerciaments as are presented at this Court, wherein you shall spare no man for loue, fauour, affection, or corruption, nor raise or inhance vpon any man (of malice) more grieuous amerciaments then shall bethought reasonable, according to the qualitie of the offence, and the faults committed,

ted, and not otherwise. So helpe you God, &c.

Then must the Steward commaund all men to stand by, and the two Affyers to stand as neere him as they can, and he must reade vnto them euery presentment that ought to be affyed, and so that they may rate them accordingly vntill they haue done, and then discharge the Court thus.

Conclusion.

The Bailiffe must make an Oyes, and say after the Steward thus, If any man haue any more to doe at this Court, let him come in and he shall be heard, or else euerie man may depart for this time in Gods peace and the Kings, and keepe your day here according to Custome, if it be a Customary Leet, otherwise it must be vpon a new warning. And so God saue the King, and the Lord of this Leet or Lawday, and make vs all his seruants. Amen.

Now I will shew you how Manors take their beginning, and within what Manors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth.

Nota.

Parkins folio 127. saith, That the beginning of Mannours was when the King gaue a thousand acres of Land, or more or lesse to a man and his heires to hold of him and his heires for euer. And before the Statute of Quia emptoris terrarum, A man seised of Land, infeffed an other of tenne acres, an other of twelue acres, a third of twentie acres, to be holden of himselfe, and the tenants to doe him seruice and pay him a quit rent, and so by this meanes by continuance of time out of the memorie of man such donor or feoffor had a Mannour.

Also 33. Henr 8. titulo Comprise, A man at this day cannot make a Mannour, For although that a gift in taile be made to diuers to hold of the donor by Seruices and Suit of Court, although this be a tenure yet it cannot make a Court, for it cannot be without prescription.

Also if a man haue a Mannour, and all his free suters but one doe commit felonie or dye without heires generall or speciall, whereby their land escheates, or if the Lord purchase their lands, the Mannour is destroyed, for it cannot

be

be a Manor without Suiters, there must be two at the least, as it appeareth by 35. H. 8. titulo Tenures 102. fo. And in 26. H. 8. 4. Two Coparceners made partition of a Manor, so that either of them had parcell in demesne and parcell in seruice, in this case either of them hath a Mannour, and either of them may kæpe a Court Baron, if either of them haue two suters, otherwise not. But 12. Henr 4. 15. Partition is made of a Mannour so, that one Coparcener hath the demeanes, and the other the seruices, Suit of Court in this case is suspended, and so long as the Mannour continues so, there can be no Court kept. And 8. Henr 7. 4. it is held, That a Court Baron is incident to a Manor of common right, so that within euery Manour there ought to be a Court Baron although there be no Suiters belonging to it, or although by partition the Suit is suspended, as is aforesaid, And 34. Henr 6. 53. But note, That diuers are called Manors where there are not Free suters but onely Coppyholders, Ad volentatem Domini secundem consuetudinem Manerij, And yet those Seigniories are called Mannours and there are Court

Court Barons kept to graunt Coppy-hold estates, otherwise they cannot be graunted by Coppy, but by Lease they may, and by that meanes a Mannour will be vtterly destroyed.

The

The manner and forme how to keepe a Court *Baron.*

Vr' Baron' I. F. & P. vxoris eius ibidem tent' duodecimo die Octobris, Anno regni Domini noſtri Iacobi, Dei gratia Angliæ, Scociæ, Franciæ, & Hiberniæ Regis, Fidei defenſoris &c. viz. Angliæ, Franciæ, & Hiberniæ decimo quinto, & Scociæ quinquageſimo primo, per me I. W. Seneſchalium ibidem.

Then command the Bailiffe to make an Oyes, and ſay after you thus, All maner of perſons that haue any thing to doe at this Court draw néere and giue your attendance and if any man will be eſſoyned or enter any plaints let them come forth and they ſhall be heard.

Then let the Bailiffe say after the Steward, Essoynes and proffers of suit or plea three times for this Court, and if any will be essoyned let the essoyne for suit of Court be entred thus.

Esson' I.S. Esson' est pro sect' Cur' per T. D.

And if any will enter any plaints, then let them enter their plaints thus.

W.K. querit' versus I. H. de placito ẽbit' vel transgres. vel capcionis iniuste detencionis auerior' suor' vel similia.

Then call the Freeholders, and so manie as make default present their names & marke them ouer the heades thus.

mĩa ij.d. mĩa ij.d.

Lib. tenent' Richardus W. Miles & M.B. generos. sunt liber' tenent' huius Cur' & fecer' defalt' Ideo vterque eorum in mesericordia prout patet super eorum capit'.

Will-

Will. Kelsey Ioh. Vallor Rob. Corse Ioh. Mathew	Iuf.	Ioh. Newman Matheus Bull Ioh. Hoult & Thomas L.	Iuf.	Homagium.

The Foremans Oathe.

YOu shall sweare that you as Foreman of this Homage with the rest of your fellowes, shall duely inquire, and true presentment make of all such Articles and things as shall be giuen you in charge, and therein you shall spare no man, for loue, fauor, or affection: nor present any man for malice, hatred, or enuie, but according as things here presentable, shall or may come to your knowledge, by information, or otherwise, So shall you make thereof true presentment without concealement. So God you helpe, and the contents of this Booke.

Then call the rest of the Homage and sweare them by foure at a time thus: The same Oathe that W. Kelsey your Foreman hath taken before you on his part, you and euery one of you shall obserue and keepe of your parts. So helpe you God, and the contents of this Booke.

Then let the Bailiffe call them by name, and bid them stand neere and here their Charge.

An Exhortation to the Iury before the Charge.

SIrs you that be sworne, before I enter into your Charge, I purpose by Gods assistance to deliuer vnto you the causes of your assembly heretogether, which are two: one is for that you hold lands of the Lord of this Mannor, some as Frée holders, and some as Coppyholders, and therefore by reason of your tenures you ought to appeare at this Court so often as it shall be kept, and here to doe your suit and seruice, or else to be amercied, and the other cause of your comming hither is to get knowledge by hearing of the Lawes and Customes of this Court dilated vpon vnto you, and hereby you may be the better taught, instructed, and enabled to know how to performe your duties in doing well and eschewing euill, And for that you shall the better consider and inquire of, and present all things which are now here presentable. I haue ministred vnto you a Corporall Oathe, which Oathe standeth vpon thrée parts, (that is to say) vpon Truth, Iudgement, and Iustice, It standeth vpon Truth, for that you ought to present nothing but the truth, and likewise not to omit any thing that is true and presentable here vnpresented, It standeth vpon

Iudge-

Iudgement, that you doe not presēt any thing rashly or vnaduisedly, but certainly to know the truth thereof before you doe presēt it, And it standeth vpon Iustice, that you doe not for fauour, affection, corruption of money, or other reward, for feare of any mans displeasure, or for any priuate gaine or profit leaue any thing vnpresented that is heare presentable, neither for malice to presēt any thing contrary to the truth. These three principall things you ought duely to consider of, and so hoping that you will haue a speciall care thereof according to your oaths and duties & the trust that is reposed in you, I will cease to trouble you any further at this time by way of exhortation, and proceed to your Charge.

The Charge.

FIrst you shall inquire whether all such persons as owe suit and seruice to this Court be here to doe the same or no, & if any make default, you must presēt their names.

And I must tell you if there be two Coparsoners or two Ioyntenants which doe owe suit & seruice to this Court for any lands which they hold of the Lord of this Manor the one of them ought to be here to doe the same suit, and the other ought to be contributer to his charge.

Also

Also if any tenant hauing twenty acres of land, granteth or letteth the same to twenty seuerall persons, in this case euery one of those twenty ought to doe such suit & seruice as hath beene accustomed to be done for the same land.

Also you shall inquire if any tenant bee dead since the last Court or before, and his death as yet not presented, then you shall inquire what land he held of the Lord of this Manor, & by what tenure or seruice he held the same, whether by knights seruice, socage tenure, or by coppy, and what benefit or aduantage is fallen to the Lord by his death, whether ward, mariage, relefe, escheat, or any other profit, and who is his next heire, and of what age he is, and in whose custodie hee is: For if any tenant which holds by knights seruice dye, and his heire male vnder the age of one and twenty yeeres, & not maried, then the Lord shall haue the wardship and mariage of such heire male: but if it be a female and vnder the age of xiiij. yeeres, and not maried, then the Lord shal haue likewise the wardship & marriage of such heire female: & if the heire male be xxj. yeeres at the death of his ancestor: or the heire female xiiij. yeeres, then the Lord shall haue only a relefe which is if they held by a whole knights fee, C.s. if by the moity of a knights fee, L.s. and

so

so according to the rate of their tenure.

Also if any tenant which held by Socage tenure be dead, his heire being vnder the age of xiiij. yeares, the Lord ought to haue the value of his land for one yeare for a Reliefe, which is due immediatly after the death of the tenant: and the next of kin to the heire to whom the inheritance cannot discend ought to haue the wardship of such heire.

Also if any customary tenant or copyholder, hold two parcels of land by herriot seruice, and by seuerall copies, if such tenant dy thereof seised, the Lord ought to haue two herriots.

Also you shall inquire whether any of the Lords tenants be dead without heire generall or speciall, if there be any such then the Lord ought to haue his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten then the Lord ought to haue his land by Escheat.

Also if any Frœholder of this Mannour hath committed felony, and thereof hath bin attainted, that is, either hath confessed the felony, or hath bin conuict by verdict of xij. men, or fled & thereupon outlawed for the felony, in this case the king must haue Annum diem & vastum in his land, and after it ought to come to the Lord by Escheat.

Also

Alſo if any Coppyholder hath committed felony, and thereof hath bẽen attainted as is aforeſaid, then the Lord may enter into his Coppyhold for a forfeiture.

Alſo if any Coppyholder hath leaſed his Coppyhold for any longer time then a yeere and a day without the Lords licence, it is a forfeiture of his Coppyhold vnleſſe he maie doe it by the Cuſtome.

Alſo if any Coppyholder deny to pay his rent, or deny to come to his Lords Court, or deny to be ſworne of the homage, or deny to goe with his Lord to ſuppreſſe Rebelles, euery one of theſe denyalls is a forfeiture of his Coppyhold.

Alſo if any Coppyholder hath ſold any of his Coppyhold land by deed, and made liuerie of ſeiſon thereof according to the deed, it is a forfeiture of ſo much as he hath ſo ſold.

Alſo if any Coppyholder hath cut downe any Timber trees within his Coppyhold without licence, or lopped any Timber trees there, at an vnſeaſonable time of the yeere by reaſon whereof they dye, either of both is a forfeiture of his Coppyhold.

Alſo if any Coppyholder ſuffer his Coppyhold tenement to decay and fall downe for lacke of reparations, it is a forfeiture of his Coppyhold.

Alſo if a Coppyholder be a Recuſant, if his

his Lord also be not a Recusant, he ought to forfeit his Copyhold estate according to the Statute Law made Anno 35. Eliz.

Also if any Copyholder haue surrendred his Copyhold tenement into the hands of two of the tenants since the last Court to the vse of any person, euery such surrender ought to be presented at this Court, or else the tenants which tooke such surrender ought to forfeit their Copyholds, because it may be thought if they doe present it, that they goe about not onely to defeate the Lord of his Fine, but also to disinherit the partie to whose vse the same surrender was taken.

Also if any Copyholder hauing two Copyholds, hath impayred the one to amend the other, this is a forfeiture of the Copyhold that is impayred.

Also if any Villeine or Bondman of blood, hath purchased any land within this Lordship, the Lord may seise both it and such villeynes goods at his pleasure.

Also you shall inquire whether any tenant of this Manor hath giuen any of his lands in Mortmaine, That is to say, to any Religious house, Religious person, and their successors, or to any Guilde, Fraternity, or Corporation, and their successors, without the Kings licence and the Lords of this Manor, for it is here inquirable and presentable

to

to the end that the Lord if there be any such grant made may make his claime within the yere and the day, according to the Statute in that case made and prouided.

Also if any tenant hath sold his land by deed, and hath not giuen notice thereof to the Lord, nor he which bought it hath not done his fealty to the Lord or suit of Court, so that by reason thereof the Lord doth not know who is his tenant, therfore you ought to present it: for it is very needfull and necessary that the Lord should know who is his tenant, by reason of his seruices & Escheates which may grow due vnto him.

Also if any tenant within this Lordship hath suffered any house of Husbandrie to decay by taking of the land from it to lay it to an other, in this case the Lord ought to haue the moity of the profits thereof to his owne vse, vntill it be made and mainteyned a Husbandrie againe, and this you ought to inquire of for the Lords benefit.

Also if any tenant hath inclosed any land which hath beene accustomed to lye open without the Lords licence and the Freeholders, you must present it, for he cannot iustifie the doing thereof.

Also you shall inquire whether any of the Lords lands within this Manor be withholden from him and held and occupyed without

out

out his licence, if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the yeare, and how long it hath bin withholden, that the Lord may recouer his damage for the withholding thereof accordingly.

Also you shall inquire whether there be any rent, customs, or seruice, behind and vnpayd to the Lord of this Manor, by whom it is due, and what rent, custome, or seruice it is, how long it hath beene withholden, and where the land lyeth, that the Lord may distreyne for the arrerages thereof.

Also you shall inquire if any Bailiffe or other Officer of this Mannour, hath made any arrest for any rent, custome, or seruice, due to the Lord of this Mannour, and rescouse therein hath beene made, you ought then to present him or them which made the rescouse, and where and when it was done.

Also if any distresse hath beene taken and put into the Lords pound, and hath beene taken out from thence without leaue or authority of the Law, then such taking is a pound breach, and here inquirable and presentable.

Also if any tenant doth surcharge the com-

mon

mon by putting more Cattell there then by the Custome he ought to haue goe there, or by putting of Cattell there not commonable as Pigges, Goates and Geese, and such like, you must present them.

Also if any tenant of this Manor, haueing two Farmes, one in this Manor, and an other in an other Manor, doth vse in the Summer time or open time of the yeere, when Corne and Hey is housed, to bring Cattel from his other farme vnto his farme within this Manor, which haue beene vsually kept at his other Farme out of this Manor, this is called chasing and rechasing, and here inquirable and punishable, vnlesse these Cattell be kept within his owne seuerall grounds and not in the common fields.

Also if any man hath remoued any bounds or markes, meare stones or stakes, betweene this Lordship and any other, or betweene tenant and tenant, you must present their names, for it is an euill office & they deserue to be punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leaue or licence of the Lord of this Manor, you must present them, for they are ỹ Lords Realties, and therefore no man can lawfully come here to doe either one or the other without his leaue.

Also

Also if any tenant by reason of his tenure ought to grinde at the Lords Mill, if he doe it not, you must present him.

Also if you know any man that keepeth, detayneth, or withholdeth any of the Lords Euidences of this manor, as Court rolls, rentalls or immuniments appertenant and belonging to the Lord of this manor, you must present them, for it is fit that the Lord should haue the custodie of his Euidence himselfe.

Also if there was any thing payned at the last Court to be done, and as yet is not done, you must enquire who haue made default therin, and present his, hers, or their names: And you shall likewise enquire of all other things which you shall thinke needfull to be enquired of, by me omitted and not giuen you in charge, aswel as if I had giuen you it in charge, and so bring in your presentment in writing by one of the clocke in the afternoone.

Then let the Bayliffe make an O-yes, and adiourne the Court till after Dinner thus:

All manner of persons that haue anie more to doe at this Court, may depart for this time, and keepe their houre here at one of the clocke in the afternoone.

And then after dinner call the Iurie for their presentments, and if they be readie take them, and sweare two Affiors to affier them, as before at the Lete.

This being done, let the Bayliffe make an Oyes, and discharge the Court, thus: All manner of persons which haue any more to doe at this Court, let them come forth and they shall be heard, or else they and euerie one else may depart for this time, and keepe their day here vpon a new warning, and so God saue the King and the Lord of this Manor.

Fealtie to be ministred to a customarie tenaunt.

YOu shall sweare that you shall be true tenaunt, and faith and troth shall beare to the Lord of this Manor, and to his heires, for all such customarie landes and tenements as you claime to hold of him, by vertue of your Coppie for terme of your life: you shall also well and truely beare, pay, and doe all such rents, customes, and seruices as are and shall bee from time to time to bee payed and done for the saide landes to your saide Lord, and his heires: you shall also be iustified by your Lord and his

his Officers, in euerie thing as a customarie tenaunt ought to be iustified: and you shall in euerie other thing well and honestly behaue your selfe so long as you shalbe tenant. So helpe you God, and the contents of that Booke. And so let him kisse the Booke to affirme his oath.

But this oath must be ministred before the Court be ended.

The Oath of the Reeue or Bayliffe of a Mannor.

YOu shall sweare that you shall well and truely serue the King and the Lorde of this Mannor for this yeare to come, in the office of the Reeue or Bayliffe of the same Mannor: and you shall duely and truely gather all such rents, reuenues, or other yearly profites as shall bee extracted out vnto you, and thereof you shall make and yelde vp a true account at the end of the said yeare, and in euerie other thing you shall well and honestly behaue your selfe in the saide office during the time aforesaid. So helpe you God and the contents of that Booke. This must also be done before the end of the Court.

And the presentments are to be put into laten by the Steward of the court thus, viz.

next after the presentment of the Freeholders for their defaults: the Coppiholders thus:

Defalt' de Coppiholders.

Item Iur' dicunt super eorum sacram' quod W.I. iiij.d. & I.R. iiij.d. sunt tenentes per copiam Rotulorum Cur' & debent sect' cur' & ad hunc diem fecer' defalt' Ideo vterque eorum in misericord' prout patet super eorum capitibus.

Obitus.

Item present' quod W. N. qui de dō mino tenuit libere vnum mesuagium & trigint' acr' prati & pastur' cum pertinen' infra dominium istud per fidelitatem & sect' cur' & per reddit' per annum vj.d. obijt de tali statu sic inde seisit'. Et quod R.I. est filius & proxim' hæres predict' W.I. Et est ætatis decem annorum, & ad hanc cur' venit prædict' W.I. & soluit domino pro Releuio vj.d. & fecit fidelitatem.

Alie-

Alienation.

Item dicunt ſuper eorum ſacrament' quod G.B. qui de domino tenuit liber' vnum meſuagium vnum pomar' & ſex acras prati cum pertinen' per fact' ſuum Indentat' geren' dat' ſexto die I. anno regni &c. dedit conceſſit barganizauit & vendidit oīa & ſingula præmiſſ. prædict' cum ſuis pertin' R. K. de &c. habend' & tenend' omnia & ſingula præmiſſ. præd' cum eorum pertin' pref. R. K. hæred' & aſſign' ſuis de capitalib' dom. feodi illius per reddit' ſeruic' & conſ. inde prius debit' & de iure conſuet' & premiſſ. tenet de domino huius manerij per fidelit' & ſect' cur' & per reddit' per ann' xij.d. Et ad hanc cur' dictus R. K. fecit domino fidelitatem.

Legatio.

Item dicunt ſuper ſacrament' ſuum quod W. A. qui de domino tenuit libere vnum meſuagium ſiue tenement' & viginti acras terræ voc' H. per fidelit' ſect' cur' & per reddit' per annum vj.d. obijt

inde ſeiſit' & per vltimam voluntatem ſuam in ſcript' fact' geren' Dat' 28. die Sept' anno &c. legauit meſuagium ſiue tent' & prædict' xx. acr' terr. quibuſdam R.A. & T.A. filijs ſuis per nomen omniũ terr', tenementor' & hereditament' ſuorũ ſcituat' iacen' & exiſten' in I. pred habẽd' & tenend' pred' meſ. ſiue tent' &c. & p̃d' xx. acr' terr' cum pertin' eiſdẽ *R.A.* & T. A. hæred' & aſſign' ſuis imperpetuum ad propriũ opus & vſum ipſor' R. & T. hæred' & aſſign' ſuor' imppet' ideo precept' eſt balliuo diſtringere pred R.A. & T.A. ſcdm' formã ſtatuti in eodẽ caſu prouiſ. ad ſoluend' reliuen' & etiam diſtring' ad fac' fidelitat'.

Super Surr'.

Item dicunt ſuper ſacram' ſuum qd R. R. tenens cuſtomarius huius manerij extra cur' ſurſum reddid' in manus domin' per manus W.T. & R. W. duorũ cuſtomar' tenen' huius manerij ſecund' conſ. huius manerij totũ illud meſ. & xxx. acr' terr' prati paſcue & paſtur' cum pertinen' modo in tenura ſiue occupac' R.B. ad opus & vſum pred' R.R. pro termin' vitæ

ſue

ſue naturalis & poſt deceſſum dicti R.R. tunc ad opus & vſum T.B. & hæred. de corpore dicti T. legit' procreat'. Et pro defect' talis exit' de corpore dict. T.B. legit' procreat' rem' inde I. I. filio R. de I. pred' gen' hæred' & aſſign' ſuis imperpetuum & die qd pred' R. obijt & nunc ad iſtã cur' pred' T.B. venit & petit admitti ad omnia & ſingula præmiſſa predict. Et ad hanc cur' dom. per I.K. ſeneſchalum ſuum conceſsit inde ei ſeiſinam per virgam. habend' & tenend' eidẽ T.B. & hæred' de corpore ſuo legittime procreat'. Et pro defect' tal' exit' rem' inde ad opus & vſum dicti I.I. & hæred' ſuorũ imperpetuũ. Et pred. T. B. dedit dom. de fine quatuor libras, Et fecit dom. fidelitatem & admiſſus eſt inde tenens.

Surr' per Seneſchal. capt'.

Ad hanc cur. teſtat. eſt per W.T. ſeneſ. qd W.N. in extremis iacens x. die A. anno regni &c. Surſum reddidit in manus dom. per manus eiuſdẽ ſeneſchal. abſent. cur' in præſentia R.C.R.P. & C.H. vnum tent' voc' M. in quo, modo habitat' W.G

cum omnibus terr' & tent' ſuis infra maner' de I. ad opus & vſum M. vx' ſue pro termino vitæ ſue. Et poſt deceſſum ipſius M. remanere inde W. T. filio pred. W. patris, & G. filiæ eiuſdem W. patris ac ſorori pred. W. filij & hæred' ſuis ſub conditione tamen ſequent' quod ſi contingat aliquem prædict' W. filij & G. filiæ obire ſine hæred' de corpore ſuo exeunt quod tunc ipſe vel ipſam qui vel qu' ſuperuixerit habebit & gaudebit tenement' prædict' ſibi & hæred' ſuis imperpetuũ. Et ſuper hoc venit in iſtã cur' predict' M. & petit ſe admitti ad tent' prædict' cum pertin' cui dominus per I. K. Seneſchal' ſuum conceſſit inde ſeiſinam per virgam habend' ſibi in forma pred' ad voluntatẽ dom. ſcdm' conſ. manerij & dat' dom. de fine pro ingreſ. ſuo inde habend' prout patet &c. & fecit dom. fidelit' & admiſſ. eſt inde tenens.

Obit' de Coppiholder.

Item ad hanc cur' compertum eſt per homagium qd quidã W. W. vnus filior' & hered' R. W. defunct' qui quidẽ W. W tenuit

tenuit de domino ſibi & hered. ſuis ſecundum conſ. huius manerij medietatē duorum meſuagior' ſiue tenement', & vnius gardini cū pertinen. in I. & diu ante hanc cur' obijt inde ſeiſit' infra etatem 10. annorum, & in cuſtodia cuiuſdam R.M. ſecundum conſ. manerij, Et quod S.W. eſt frater & ſolus heres pred. W.W & plene etatis qui preſens eſt hic in cur', & petit ſe admitti tenent. ad omnia terr. & tenement. cuſtomar. de quibus ipſe predict. W.W. obijt ſeiſit. viz. ad pred. medietat. duorum meſuagiorum ſiue tenementorum toſti & gardini cum pertinen. infra manerium iſtud cui dominus per I.K. ſeneſcal. ſuum conceſſit inde ei ſeiſin. habend. & tenend. ſibi & heredib. ſuis de dom. per virgam ad voluntatem domin. ſecundum conſ. manerij predict. per reddit. conſ. & ſeruic. inde prius debit. & conſuet. Et dat. domino de fine & ingreſſ. ſuo prout patet in capite, Et fecit domino fidelitat' & admiſſus eſt inde tenens.

Surr'

Surr' in Cur'.

Item ad hanc cur' venit I.T. & ſurſum reddidit in manus domini decem acras terræ ſiue plus ſiue minus cum pertinen' voc' *S.* quatuor acr' terræ ſiue plus ſiue minus voc' K. & quatuor acras prati ſiue plus ſiue minus vocat' K. cuſtomar' ad opus & vſum R. B. generoſis hered. & aſſignat' ſuorum imperpetuum per virgam ad voluntatem domini ſecundū conſuetudin' manerij pred' cui quidē R. B. domin' per ſeneſcall' ſuum conceſſit inde ei ſeiſin' habend' ſibi & hered' ſuis de domino per reddit' x.s. per ann' & alia ſeruic' inde prius debit', Et dat' dom. de fine pro ingreſſ. inde habend' 4.li. Et fecit dom. fidelitatem, Et admiſſus eſt inde tenens.

Obitus de priſoner.

Item homagium dic' ſuper ſacram' ſuū quod quidam R. *S.* qui de dom. tenuit vt parcenarius per conſuetudinē maner' nouem

nouem acr' terr' cuſtomar' cum vna grãgia ſimul cum T.S. fratre ſuo ſibi & her' ſuis obijt citra vltimã cur' ſic ſeiſit', Et quod quidam I.S. eſt filius & prox. heres eiuſdem R. quoad medietatem pred. terr' & graungij pred. Et eſt ætatis octo annorum, Et ſuper hoc tam cuſtod' predict' I. quã terr' & graungia pred. cõmittuntur cuidã S.I. vt prox. amico ſuo &c. Et inuenit pleg' in cur' E.N. ad reddend' prefat' I. de proficuis inde cum ad ætatem quatuordecim annorum peruenerit.

Encrochment.

Itẽ dic' ſuper ſacram' ſuũ, qd R. W. incrochiauit ſuper vaſt. dom. apud C. in longitudinẽ 10. virgatæ, & in latitudine vna virgat', ideo ipſe in mĩa &c. Et ordinat' eſt quod exponat eandẽ ante feſtum ſancti Io. Baptiſt' prox' ſub pœna foriſfact' dom' pro qualibet virgat' 2.s.6.d.

Reſcous.

Item dic' ſuper ſacram' ſuũ, qd G.B. ball' dñi tali die & an. &c. infra dominiũ iſtud

iſtud diſtringebat H.H. pro redditu domini tunc per predict. H. aretro & non ſolutum, Et quod predict. H. adtunc & ibid. reſcuſſ. fecit ſuper eundē G.B. ideo ipſe in mīa &c.

The forme and maner of diuers grants and ſurrenders, aſwell of Copiholds of inheritance, as alſo for copiholds for liues, as followeth.

Broxheade.

ſſ. AD cur' manerij ibidem tent' 14. die Februar' anno &c. venit N. R. & cepit extra manus domini vnum meſuagium & dim. place ſiue virgat' terr' cum ſuis pertinen. in B. nuper in tenura I.A. habend' ſibi & R.P. filio ſuo, & A. modo vxor. dicti N. pro termino vitæ eorum & alterius eorū diutius viuen' ſucceſſiue ſecundum conſ. manerij predict. per reddit' & ſeruic' inde prius debit' & de iure conſuet', Et dat' dom. pro tali ſtatu ſic inde habend. 3. li. Et fecit domino fidelitat', Et admiſſus eſt inde tenens &c.

&c. Et fidelitat' pred. R. & A. reſpectuatur quouſque.

Per I.W. Seneſ. ibidem.

Foriſfacto de Cop. & recapt'.

AD hanc Cur' &c. homagium preſent' quod P. C. nuper relict. I. C. quæ de domino tenuit durant' viduitate ſua ſecundum conſuetudinem manerij vnum meſuagium &c. cum pertinentijs in A. cepit in virum R. L. per quod foriſfecit ſtat' ſuus in premiſſis, & ſic rem' in manibus domini, ſuper quo proclam' facta eſt, ſi quis &c. Et ſuper hoc venit predict. R. L. & cepit extra manus domini meſuagium &c. cum ſuis pertinent', habend. ſibi pro termino vitæ ſuæ ſecundū conſ. maner' predict. per reddit' & ſeruic' inde prius debit' & de iure conſ. Et dat' domino de fine pro tali ſtatu ſic inde habend. 6. li. Et fecit dño fidelitat' & admiſſus eſt inde tenens.

Con-

Conceſſ. reuerſion'.

AD cur' &c. venit W. H. & cepit extra manus domini reuerſionē vnius meſuagij &c. cum pertinen. in Y. modo in tenura I. H. vid. nuper vxor' W. H. habend. & tenend. reuerſionem predict. prefat. W. H. & B. filio ſuo pro termino vit' eor. & alterius eorum diutius viuen. ſucceſſiue ſecundum conſuetudinē manerij predict. cum per mortem ſurſū redditionem vel aliquā forisfactur' per pref. I. aliquo modo fact' ſiue perpetrat', ac ad manus dom. acceder' contigerit per reddit' & ſeruic' inde prius debit', & de iure conſ. Et dat. dom. de fine pro tali reuerſione ſic inde habend. 7. li. Et fidelit' reſpectuatur quouſq; &c.

Obitus.

IVr' preſent', qd I. C. qui de domino tenuit vnum tenemen. cum ſuis pertinen. in Y. in quo I. C. pater predicti. I. nuper habitauit diem ſuum clauſit extremum

circa

citra vlt' cur' vnde accidit dom.pro heriott' vnum bos precij xl.s. & deliberatur ad vſum dom.huius manerij de quo proclam' fact. fuit in cur', ſi quis &c. ſuper quam venit Anna relict.predict.I.& clamat premiſſ. durant. viduitate ſua ſecundū conſ. manerij per reditt opera conſuetud'& ſeruic' inde prius debit' & conſuet.&c.

Surr' & recaptio.

AD hanc cur' venit C.W. qui de domino tenuit per copiam rottul. cur' dat' &c. vnum tenemen' &c. cum pertinentijs in E. quondam in tenura R. C. Et ea omnia ſurſum reddidit in manus domini & totum ſtatū, titulum, & intereſſe in premiſſis ea intentione, vt placeret domino nouem inde conceſſum ſibi prefat. C.W. & alijs facere ſecundum conſ. manerij predict. ſuper quē ſurſum redditionem accidit dom.pro herriot. ex conuentione vigint. ſolid. Et in eadem curia venit dictus C. W. & cepit extra manus domini dictum tenement. &c.cū ſuis

ſuis pertinen. habend. ſibi pref. C.W.R. & I.W. filijs ſuis pro termino vit' eorū & alterius eorum diutius viuent' ſucceſſiue ſecundum conſuetudinem manerij predict. reddit' opera conſ. & ſeruic' inde prius debit' & de iure conſ. Et pro huiuſmodi ſtatu & ingreſſ. ſic inde habend. pred. C.W. dat' dom. de fine 16. li. & fecit domin. fidelitat', & ſic pred. C.W. admiſſus eſt inde tenens, Et fidelit' predict. R. & I. reſpectuatur quouſq; &c.

Conceſſ. de Copihold de inheritance per le vierge.

AD hanc cur' dominus conceſſit extra manus ſuas per I.F. capital. *Seneſcal.* ſuum T.D. & A. vxori eius vnum meſuagium &c. cum omnibus ſuis pertinen. iacen' apud B. quibus dominus per *Seneſcal.* ſuum predict. conceſſit ſeiſinā habend. ſibi & heredibus ſuis de domino per virgam ad voluntatem domini ſecūcundum conſuet. maner. predict. Et dant domino de feodo pro ingreſſ. inde habend prout patet in capit', Et fecit dom. fide-

Fine 3. li.

fidelitat', Et admiſſus eſt inde tenens.

Conceſſ pro annuat' reddit'.

AD hanc cur' dominus conceſſit per I.F. ſeneſcall' ſuum T.B. & M. vxor' eius vnum meſuagium cum 6. acris terræ &c. cum pertinent. prefat. T.M. hered. & aſſignatis ſuis ad voluntatem domini ſecundum conſuet. maner. reddend. inde annuatim dom. hered. & ſucceſſoribus ſuis, If the Lord be a Biſhop, or a Deane, or ſuch like ſixe ſhillings eight pẽce, pro omnibus & ſingulis ſeruic. ad duos annui terminos, videl. ad feſt. ſancti Micha. Archangel. & anunciationis Beatæ Mar. virgin. equal' portionibus, Et dant dom. de fine &c. & fecer' fidelit', Et admiſſ. ſũt inde tenentes.

Copia in ancient demeane.

AD hanc cur' tent' ibidem tali die & anno A. C. filius & heres I.C. venit & ſurſum reddidit in manus domini vnũ meſuagium &c. in D. infra iuriſdictionẽ

huius cur' ad opus & vſum T.H.hered.& aſſignat' ſuorum imperpetuum, virtute barganiæ ſiue partitionis inter eos fact', Et ſuper hoc publica proclam.in eadem curia fact. fuit quod ſi quis aliquod ius ſeu titulum ad eundem meſuagium terr' &c.vel in aliqua eorum parcell. pretendere voluit vel haberet veniret & audirẽtur, & nullus venit ad hanc curiam per quod ſecundum conſuetudinem manerij pred.meſuag. terr' &c.remanerunt in manus domin.vſque ad terciã proclam. ſuper eiſdem factam, Et ſuper hoc dies dat' eſt partibus predict.eſſendi ad prox. cur' manerij pred.ad audiend.inde iudicium ſuum ſuper premiſſ.

Et ad hanc cur' tent' ibid.tali die & tali anno tam predict.A.B.quã pred.T.H venerunt & ſuper hoc ſecunda proclam. facta fuit ſuper premiſſis, qd ſi aliquis aliquod ius vel titul. ad pred. meſuagium terr' &c. haberet aut pretenderet veniret & audiretur, Et nullus venit, Et ſuper hoc dies dat.eſt partibus pred.eſſendi hic ad prox. cur. manerij pred.ad audiend. inde iudic' ſuum ſuper premiſſ.

Et

Et ad hanc cur' ibid. tent' tali die & anno tam predict. A.C. quã T.H. venerunt, Et ſuper hoc tercia proclamatio fact. fuit ſuper premiſſ. quod ſi aliquis aliquod ius vel titulum ad pred. meſuag. terr' &c. vel in aliquo eorum parcell. haberet vel pretenderet, veniret & audiretur, Et nullus adhuc venit, Et ſuper hoc dominus per I.H. Seneſcall' ſuum conceſſit ſeiſinam de pred. meſuagio &c. cũ eorum pertinen. prefat. T.H. tenend. ſibi hered. & aſſig. ſuis ſecund. conſ. manerij pred. Et dat' domino de fine pro ingreſſ. &c. & fecit dom. fidelitatem, & admiſſus eſt inde tenens.

Alit' in ancient demeſne vbi vxor examinetur.

AD cur' tent' ibidem tali die & ann. T B. de N. & E. vx. eius in preſentia cur' ſola examinatur & confeſſa, ſurſum reddiderunt in manus domini vnum meſuagium & dimideat' bouat' terr' cũ ſuis pertinentijs in D. predict. voc' R. ad opus W.C. de O. vnde accidit domino

vnius equus de heriotto, Et ſuper hoc ven' dictus W.C.& cepit de domino dictum meſuagium &c. cum pertinentijs habẽd.& tenend.ſibi & A.vxori eius ſiue hered.& aſſign' ipſius W.imperpetuum ſecundum conſuetudinem manerij predicti per reddit' conſ. & ſeruic' inde prius debit' & conſuet', Et dant domino de fine pro ingreſſ. habend.in dictis meſuſuag.& ceter' premiſſ.&c. Et dat' eſt eis ſeiſin' &c.& fecerunt fidelitat' & admiſſi ſunt inde tenentes.

Surr' balliuo extra cur'.

AD hanc curiam &c. Compertum eſt, quod T. C. extra cur' ſurſum reddidit in manus I.D.balliui in preſentia D. R. & aliorum tenentium domini huius manerij hoc teſtan' vnam acram terræ in R.quondam T.R.ad opus W.I. cui dñs inde conceſſit ſeiſin', tenend. ſibi & hered. &c.

A Surrender vpon condition.

AD hanc curiam &c. venit I. C. & ſurſum reddidit in manus domini vnum cotagium iacent' &c. ad opus & vſum I.D. tenend. ſibi & heredibus ſuis de domin. ad voluntatem domini ſecundum conſuetudinem manerij ſub conditionibus ſequen', videlicet, ſi predict. I.D ſoluat aut ſolui faciat prefat. I.C. xl.s. ad feſtū ſancti Iohannis Baptiſt. & omnia ſanctorum prox. futur', poſt dat' huius cur' equal' porcionibus, quod tunc preſens ſurr' redditionē ſit in ſuo robore & effect', Et ſi ipſe deficeret in ſolutione predicta in parte vel in toto quod adtunc bene licebit prefat' I. C. & aſſignat' ſuis reintrare & rehabere predict. cotagium iſtud ſurſum reddit' in aliquo nō obſtante, Et dat' domino de fine &c. & fecit fidelitatem, & admiſſus eſt inde tenens.

Conceſſ. de copihold forisfact'.

AD cur' &c. tent' tali die & anno &c. precept' fuit balliuo ſeiſire in manus domini vnum tenement' cum pertinen' nuper in tenura I.B. voc' R. eo quod ipſe alienauerit & vendidit dictum tenement' cuidam T.V. ſine licencia domini &c. Et inde reſpondebit domino de exit, quouſque &c. Et quod in iſta eadem cur' dom. ex ſua gracia ſpecial' cõceſſit dict. tenement' cum pertinentijs pref. I.B. cui dom. inde conceſſit ſeiſinã, habend. ſibi & hered. ſuis &c. de domino ad volunt' ſecund. conſ. manerij pred. Et dat' dom. de fine &c. Et fecit dom. fidelitat', Et admiſſus eſt inde tenens.

Copia pro termino annorum.

AD hanc cur' dom. per I.F. Seneſcall. ſuum conceſſit E.R. vnum meſuag. &c. cum pertinentijs voc' A. habend. & tenẽd. ſibi & aſſig. ſuis a feſt. ſancti Mich. Arch. prox. futur. poſt dat' huius cur' vſq;

ad

ad finem & termin. quadragint' annorũ extunc prox. ſequen' & plenar' cõplendorum reddendo inde annuatim xx.s. ad duos annui terminos, viz. &c. per equales porciones, Prouiſo ſemper qd duran' termino predict. pred. dominus inueniet maeremium materiam & ligna totiens quociens neceſſariũ fuerit dict. tenemẽt' ad emendend. reparand. & ſuſtinend. Et dat' dom. de fine &c, Et fecit dom. fidel', Et admiſſ. eſt inde tenens.

Releaſe in cur' de title.

AD hanc cur' tent' &c. compert' eſt qd dom. per T.P. *S*eneſcall. ſuũ ad cur' tent. apud C. tali die & anno, conceſſit ex manus ſuas W.P. & heredibus ſuis vnam peciam terr' contin. circa tres acras terræ ſiue plus ſiue minus habeatur quondam T. C. in A. iacen' ibidem inter terr' A.B. ex parte Auſtral. & terr' W.S. ex parte Borial. habend. & tenend. &c. ad voluntatem dom. ſecund. conſ. maner', Et poſtea venit quedam A. W. corã pref. T.P. ſeneſc. dom & pretẽd.

habere titulum in predict. pecia terræ, Et hic presens in cur' remisit, relaxauit, & imperpetuũ quiet' clamauit prefat' W. P. & heredibus suis per licenc' dom. totũ ius suum & clameũ quæ habet vel habuit, vel in futur' habere poterit in pred. pecia terr', & in qualibet inde parcell', Ita viz. qd nec ipse A. nec hered. sui, nec aliquis alius nomine eorum aliquod ius vel clameũ in predict' pecia terr' de cetero exigere vel vendicare poterit, sed ab omni actione iuris vel clamei sint excluſi imperpet' per presentes &c. dat' dom. &c. & fecit fidelitat' &c.

Conceſsio hæred. poſt mortem patris.

AD hanc cur' tent' &c. compertum est quod I. B. obijt seisitus post vltim. cur' qui de domino tenuit sibi & hered. suis vnum tenementũ voc' E. & obijt inde seisitus, Et dicunt quod R. B. filius eius est & prox' heres, & plene ætatis, vel infra ætatem, si soit deins age, videlicet, duodecem annorũ, & in custodia T. W. vel

vel R.M.fratr' eius vel conſanguin' eius eſt prox' hæres eiuſdem & plene ætatis & præſens hic in cur' petit admitti & admiſſus eſt inde tenens tenend' ſibi & hæred' ſuis de domino ad voluntatem domin' ſecundum conſ.maner' &c. Et dat' domino de fine &c. & fecit domino fidelit' &c.

Alit' vbi ſunt entaile le remonſter'.

ADhanc cur' compertum eſt quod R.B. de A. ad cur' tent' tali die & ann' &c. apud E. Surſum reddidit in manus dom. vnum tent' &c. voc' C. ad opus R.C. filij eiuſdem *R.* & A. vxoris ſue quibus dominus conceſſit ſeiſinam tenend' ſibi & hered' de corporibus eorum legittime procreat'. Et ſi predict' *R.* & A. vxor eius obierunt ſine hæred' de corporibus eorum legittime procreat', qd tunc pred' tent' &c. cum ſuis pertin' remaneant rectis hæredibus ipſius R.B. Et modo iſta cur' informatur per totum homagium quod pred' R. & A. obierunt ſine hæred' legittime inter eos procreat' & pred' R.B

ſimiliter

ſimiliter. Et ſuper hoc ven' I. B. frater & hæres pred. R. B. & petit admitti, Et admiſſ. eſt tenens &c. Et per licentiã dom. præf. I. B. conceſſit pred. tent' &c. quæ ei remanſerunt poſt mortẽ pred. R. B. & R. C. & A. vxoris eius remaner' W. C. & hered' ſuis cui dom. eidem I. B. conceſſit ſeiſinam tenend' ad voluntatem domin. ſecundum conſuetud. maner'. Et dat' domin' de fine &c. Et fecit dom. fidelit' &c.

Aliter Cop pro termino vitæ cum diuerſ. rem' ouſter.

AD hanc cur' ven' A. T. & ſurſum reddidit in manus dom. vnum meſuag. & octo acr' terr' cuſtomar' vocat' I. vt dominus faciet' inde ad voluntatem ſuam & dom. inde habebit ſeiſinam. Et ex gratia ſua ſpeciali reconceſsit predict' meſ. & terr' pred' præf. A. B. & K. vxori eius durant' vita eorũ. Ita qd poſt eorũ deceſſum dict. tent' & terr' remaneat R. vx' W. T. durante vita ſua & poſt deceſſum ipſius R. pred' terr' & tent' remaneant rectis hæred' ipſius A. T. imperpet' tenend' eiſdem

eiſdem A.T.& I. vxori eius durant' tota vita eorum per virgam ad voluntatem dom. ſecundum conſ. manerij in forma pred' ſaluo iure cuiuſlibet, Et p̄d' A.T.& K.dāt dom.de fine &c.& fecer' fidel.&c.

Surr.extra cur' & rem' cum conditione in extremis.

AD hanc cur' compertum eſt qd R.F. languens in extremis ſurſum reddidit in manus B.R.extra cur' per manus I. H.in preſentia A.C.& B.D. tenen' huius manerij hoc teſt.vnum meſuagium cum pertin' &c.ad opus A.vxoris præd' R.F. tenend' ſibi pro ſeruitio inde debit' ſecundum conſ.manerij pro termino vitæ ſuæ, Ita qd poſt mortē dict. A.pred' meſ. rem' I.filij pred' R.& A.& hered' de corpor' ſuo legit' procreat', Et ſi contingat dict' R. obire ſine hæred' de corpore ſuo legittim' procreat' qd tunc pred' meſuag' remaneat R.filio præd' R.& A.& hæred' de corpore ſuo legit' procreat', Et ſi contingat dictū *R.* obire ſine hæred' de corpor' ſuo legit' procreat' qd tunc p̄d' meſ.

per

per executores vtriusque eorum diutius viuen' vendatur & denar' inde recept' & prouenientes in pauperes & alias elimosinas disponentur vt distribuer' prout eis melius videbitur expedire quibus dominus inde concessit seisinam tenend' in forma prædict' ad voluntatem dom. secund' consuetud' maner'. Et dant' domino de fine &c. & fecit fidelit' &c.

Supplicatio tenen' domino.

AD hanc cur' venit R.C. instãter supplicando prout ipse per plurima tẽpora transact' supplicauit & profert' domino finem annualẽ racione exemptionis vt ipse ex sua grac' special' in fauore obcausam senectutis infirmitatis et debilitatis corporis sui possit exonerari de cetero ab omnibus & singulis inquisitionibus Iurat' & offic' quorumcunque tam in hac villa quam alibi infra dict. manerium sibi obijciend' & assign' qua propter aspectu vero senectute vna cum infirmitate & debilitate sua sub fine annual' nomine exemptionis inde prolate. Ac

sugge-

ſuggeſtionem eius per tenentes & viſus ipſum veraciter magna teſtificat' in præmiſſis modo dominus conceſſit in iſta cur' per I.F. ſeneſchal' ſuum præfat' R.C. licentiam fauorem & exemptionem pro termino vitæ ſuæ. Et prædict' R. C. dat' domino de annual' redd' iiij. d. ſoluend' ad terminos vſuales.

Licence pro ſect' Cur'.

AD hanc Cur' ven' I.S. & dat' domin' de fine pro ſect' Cur' reſpectuand' per vnum ann' ij.s.

Licence ad maritand' filiam.

AD hanc Cur' ven' I.S. natiuus dom. huius manerij & petit licenciam ad maritand' filiam ſuam infra dominium iſtud vel extra. Et domin' per I. W. ſeneſchal' ſuum conceſſit licentiam &c.

Licence dimittend' tent' cuſtomar.

AD hanc Cur' venit T. R. Et petit licentiam a domino dimittend' oīa & ſingula

ſingula ter' & tenement' ſua cuſtomar' ſcituat' iacen' & exiſten' infra dominium iſtud cuicunque perſonæ ſiue quibuſcunque perſonis placuerit eidem T. R. pro termino & ad terminum xxj. annorum proxim' ſequen' dat' huius cur' cui quidem T. R. dominus licentiam dedit in forma prædict' pro fine decem ſolidorum ſolut' in cur' ad vſum domin' huius manerij.

Note, that there is no manner of eſtates made of freé land by déed pole, or déed indented, but the like eſtates may be made by copie of Court roll of coppihold land of inheritance, and entred in the Court rolls: and the Steward is bound by law and conſcience to be an indifferent Iudge betweene the Lord and his tenants, and to enter their copies truely in the Lords Court rolls, the which are the Lords Regiſter to know his preſidents, cuſtomes, and ſeruices. And alſo they are a great ſuertie to the tenaunts, that if their copies by any caſuall meanes ſhould be loſt, they may reſort to the Lords court rols, and the Steward may make them new coppies, according to the olde preſident in the Lords Court roll; like as at the Common Laws, when a matter in variance betweene

two

two men is paſſed by verdict, and iudgement giuen thereupon and entred in the Kings records, there it reſteth of record to be found if occaſion ſerue to ſearch for it. And alſo if a Deed or a Patent be inrolled, there it remaineth of record to be ſéene, if néed be, and anie man that hath occaſion may haue a coppie thereof, if they ſue to the Iudges and the officers of the place where the record lieth, and they may haue it exemplified vnder the ſeale of the office of the ſame place where ſuch record lyeth, if he will be at the charge thereof. And alſo if a man haue occaſion hee may pleade the ſame record in any of the Kings Courts. And the Lords Steward may do the like with his Court Rolls.

Pleas

Plees incident and belonging to a Court Baron, Formedon in remaind: And this is where there are Copiholders of inheritance.

R.H. queritur versus C.E. & A. vxorem eius de placito terræ viz. de vno mesuag' duobus cottagijs viginti acris prati pasturæ cum pertin' in I. infra iurisdictionem huius cur', Et fecit protestacionem prosequi querelam istã in forma & natura breuis domini regis de forma donacionis in le remanere ad communem legẽ & inuen' pleg' de prosequend' querelam illam in forma & natura breuis viz. I.H. & R.M. Et petit proceſſ. ſuperinde ſibi fieri ſcdm' conſuetudinem maner' predict' verſus predict' C. & A. vxor eius ideo ſecundum conſuetudinem manerij illius a tempore cuius contrarij memoria hominum non exiſtit vſitat' præcept' eſt ſubballiuo manerij

præd'

predict' ac miniſtro Cur' predict' quod ſum. per bonis ſum' predict' C. & A. qd ſint coram ſectatoribus Cur. predict. ad prox. Curiam Manerij pred. die Iouis, viz. xx. die Iunij, anno &c. apud Manerium pred. tenend' ad reſpondend' pref. R.H. de predicto placito &c. Idem dies dat' eſt pref. R. hic &c. Ad quam quidem prox. Cur' ven' tam predict. R.H. quam predict. C. & A. per I. R. Attorn. ſuum & predictus miniſter' Cur. predict. retorn' hic in Cur. quod ipſe virtute precepti predict. ſibi directi ſum' predict. C. & A. per bonos ſum' viz. per I.C. & R. R. eſſendi hic ad hanc Cur. ad reſpond' pref. R.H. de predicto placito predict' vnius Meſſuagij duorum cotagiorum viginti acr. terr. viginti acr. prati & viginti acr. paſtur. cum pertinentijs prout ſibi precept. fuit &c. Et ſuper hoc pred. R.H. petit verſus pref. C. & A. tenementa predict. cum pertinentijs vt ius & hereditatem ſuam dicendo quod quidem W.H. fuit ſeiſ. de tenementis pred. cum pertinentijs in dominico ſuo vt de feodo

ad voluntatem dom. ſecundū conſ. manerij pred'. Et ſic inde ſeiſitus exiſtens ſecundum conſ. manerij illius a tempore quo nō extat memoria hominum vſitat' & approbat' ad cur' manerij pred' tent' apud I. infra precinctum manerij pred' die martes proxim' poſt feſtum P. anno regni &c. per I. A. & T. P. deputat' balliui manerij pred' in præſentia T. C. T. S. R. L. I. M. T. R. & I. B. tunc tenentes domin' maner' pred', Surſum reddidit in manus domin' tenementī pred' cum pertin' ad opus & vſum cuiuſdam M. tunc vxoris pred' W. H. tenend' ad terminum vitæ ſuæ, Et poſt deceſſum eiuſdem M. pred' tent' cum pertin' integre remanerent cuidam I. H. filio N. H. fratris pred' W. H. & hæred' de corpore ſuo legittime procreat', Et pro defectu talis exit' eiuſdem I. prædict' tent' cum pertinen' integre remanere cuidā E. H. filiæ pred' W. H. tenend' ſibi & hæred' de corpore ſuo legittime procreat', & pro defectu talis exit' eiuſdem E. præd' tenement' cum pertin' integre remanere rectis hæred' pred' W. H. & hæred' ſuis imperpetuum, virtute

cuius

cuius quidem ſurſum redditionis, predict' M. fuit ſeiſit' de tenementis predict. cum pertinentijs in dominico ſuo vt de libero tenemento ad voluntatem domin. ſecundum conſuetud. manerij predict' tempore pacis tempore prædict' Regis Iacobi capiend' inde expleſ. ad valenc' &c. Et de ipſa M. remanſit ius per formam Surſum redditionis predict' ſecundum conſuetud. manerij prædict' I.H. per quod idem I. fuit ſeiſit' de tenement' pred' cum pertin' in dominico ſuo vt de feodo taliat' ad voluntatem dom' ſecundum conſ. manerij pred' per formã ſurſum redditionis predict' tempore pacis tempore dom. Edward' nuper regis Angl' ſecundo capiend' inde expleſ. ad valenc' &c. Et de ipſo I. poſt mortem pred' E. eo quod vterque predict' I. & E. obijt ſine hered' de corpore ſuo legittim' procreat' remanſit ius per formam ſurſum redditionis pred' ſecundum conſ. maner. pred. iſti R.H. qui nunc petit videlicet vt filius & hæres W. H. fratris & hæred' predict. W. H. Et inde produc' ſect' &c.

Et predict. C. & A. per T. H. attorn' ſuum ven' & defend' ius ſuum quando &c. Et dic' quod predict. W. H. non dedit tenement' predict. cum pertinentijs pref. R. H. & hered' de corpore ſuo exeunt' Ita quod ſi idem W. H. obieret ſine hered. de corpore ſuo exeunt' tenement' cum pertinentijs pref. R. H. & hered' de corpore ſuo exeunt' remanerent imperpetuum in forma qua predict. R. H. per breue & narrationem ſua predict. ſupponiter Et de hoc &c. Ideo duodecimo &c.

Plaints de mordanceſter.

R. C. queritur verſus W. L. & E. vxor' eius de placito terr' viz. de vno Meſſuag. trigint' acr' prati & cent' acr' paſtur' cum pertinentijs in I. infra iuriſdictionem huius Cur' Et fecit proteſtationem proſequi querelam ſuam in forma & natura breuis Domini regis aſſiſe mortis anteceſſoris ad commun' legem &c. Et petit proceſſ. pro eo fieri ſecundum conſuet' huius Manerij in forma & natura breuis predict'

pred. dirigend. balliuo & miniſtris huius Cur. Et qd ijdem balliui & miniſtri per mandat' & precept' dom. huius Manerij & ſecundum conſ. eiuſdem manerij ſum' per bonos ſum' xij. probos & legales homines de homagio huius Maner' qd ſint coram ſeneſc. eiuſdem Manerij ad prox. cur' infra Maner' iſtud tenend' parati ſacramentum cognoſcere Si R.C. pater p̄d R. fuit ſeiſit' in dominico ſuo vt de feodo ad voluntatem domini ſecundum conſuet. Manerij iſtius die quo obijt de & in vno Meſſuag. trigint' acr. prati & cent acr. paſture de terr. cuſtom̄ huius Manerij cum pertinentijs voc. C. infra iuriſdictionem huius Cur' die quo obijt Et ſi idem R. pater obijt infra quinquegint' Annos iam vltimos elapſos Et ſi predict' R. filius ſit propinquas heres predict' R. patris Et interim terr. & tenement̄ p̄d videant Et quod ſum' per bonos ſum' p̄d W. & E. qui eaſdem terr. & tenement' nunc tenēt quod ſint ibi ad audiend' recogn' & inuen' pleg. ad proſequend' querelā ſuā p̄d I. Doo, R. Roo.

Barre.

Et modo hic ad hanc cur' ven' predict' W. L. in propria persona sua, Et dic' quod predict' *R.* pater predict. quer' non fuit seisit' in dominico suo vt de feodo ad voluntatem domin' secundum cons. huius manerij die quo obijt de predict' mesuagio & trigint' acr' prati et cent' acr' pasturæ cum pertinentjs modo & forma prout per pred' quer' prius suppon', Et hoc petit quod inquiratur per Assisam, Et præd. querens similiter &c.

Entrie en le Per & Cui.

Ad hanc cur' ven' I.N. in propria persona sua & queritur versum T.M. de placito terr' videlicet de vno mesuagio vno gardino & vno pomar' cum pertinentijs Et inuen' pleg' de prosequendi querelã suam predict' viz. I.D. & R.R. Et protestatur prosequi querelam suam predict' de predicto mesuagio gardin' & pomar' cum pertientijs in I. in natura & forma breuis domini regis de ingress. in le Per

&

& Cui dicendo quod idem meſuagiũ gard' & pomar' cum pertinentijs ſunt ius & hered' ſua ſecundum conſuet. manerij pred', Et in que pred' T. M. non habet ingreſſ. niſi per E. nuper vxorem W. M. & fil' R. P. cui præf. R. P. & M. vxor ſua illa dimiſit R. N. per rem' ipſius I. N. infra quinquaginț annos iam vltimos elapſos &c. Et petit proceſſum inde ſibi fieri verſus præfat' T. M. ſecundum conſuetud' maner', ideo ſecundum conſuet' manerij illius precept' eſt I. B. ſubballiuo eiuſdem maner' ac miniſtro Cur' prædict' quod ſecundum conſuetud' manerij pred' ſum. per bonos ſum. pref. T. M. quod ſit ibi ad proxim' Cur' ſcz. 4. die M. prox' futur' hic tenẽd' ad reſpond' p̃fat' I. N. de placito pred' &c. Idem dies dat' eſt I. N. hic &c.

Common recouerie in droit patent by conſent.

Ad hanc Curiam venit A. B. ciuis & marcator' L. in propria perſona ſua & quetitur verſus W. W. de placito terræ videlicet de vno meſuagio, vno gardino,

& vna acr.terr.cũ pertin' in I.tent' de iſto Manerio per copiam Rottulorum Cur' & fecit proteſtationem proſequi querelã ſuam p̄d̄ in Cur. p̄d̄ in forma & natura breuis dom.Regis de rect' patent' ad cõmunem legem ſecundum conſ. Manerij p̄d̄ Et inuenit pleg de proſequend' querelã ſuã p̄d̄ hic in eadem Cur' ſcilicet Io. Den & R. Fen & petit proceſſ. ſuper inde fieri verſus pref. W. W. ſecundũ conſ. Manerij p̄d̄ Ideo ſecundum conſ. Manerij p̄d̄ precept' fuit I. S. balliuo Manerij p̄d̄ ac miniſtro Cur. illius qd ſum' pred. W. W. Ita qd ſit hic ad prox. Cur. Manerij predict' hic ſcilicet die ſalut' iiij. die Ianuar. tenend' predict' A.B. de placito predict' Et qd tunc habeat ibidem noia ſum' & hoc breue Et idem dies dat' eſt petenti hic &c. Et modo ſcilicet ad hanc Cur. ven. pred' W. W. in propria parſon' ſua & in plena Cur. hic gratis obtulit ad reſpond' predict' A.B. de placito predict' per bonos ſum' ſuos ſcilicet I.D. & R.R ſecundum conſ. Maner. predict' Et ſuper hoc modo ad hanc Cur. pred' A.B. ſcilicet in propria perſona ſua venit & petit

verſ. predict' W. W. Meſſuag. predict' gardin. & acr. terr. predict' cum pertin' in I. pred' tent' de iſto Manerio per copiam Rottulorum Cur' iſtius vt ius hereditatem ſuam Et vnde dic. qd ipſemet fuit ſeiſit' de tent' predict' cum pertin' in dominico ſuo vt de feodo & iure ſecund' conſ. Manerij pred' tempore pacis tempore dom. regis nunc capiend' inde explet' ad valenc. &c. Et qd tale ſit ius ſuum offert &c.

Reſponſ.

Et pred. W, W, venit & defend' ius ſuum quando &c. & ſeiſina eius de qua ſeiſina &c. vt de feod' & iure &c. & maxime de tenementis pred' cum pertin' & totum &c. Et ponit ſe ſuper homagium pred' Dom. regis Cur. pred. ſecundum conſ. Manerij p̄d & petit recogn' fieri vtrum ipſe magis ius habet tenend' tenement' p̄d cum pert' ſicut ille tenet an pred. A, B, habend tenement' pred. cum pert' ſicut ille ſuperius petit &c.

Imparlans

Imparlance.

Et pred. A.B. petit licentiã inde interloquend. vſq; horam xj. ante meridiem eiuſdem diei & habeat &c. & eadem hora dat' eſt prefat. W. hic &c. Et poſtea idem A.B. reuenit hic in cur' iſto eodem die ad predictam horam in propria perſona ſua, Et predict' W.W. licet ſolempnit' exact' non reuenit ſed in contemptu cur' recoſſit & defalt' fecit, Ideo ſecundum conſuetudin' manerij predict. conceſſ. eſt per cur' quod pred. A.B. recuperet ſeiſinam ſuam verſus pred. W. W. de tenementis pred. cum pertinentijs ſecundum conſuet' maner' pred. tenend' eidem A.B & her. ſuis ſecund. conſ. dicti maner' quiet' de pred. W.W. & her. ſuis imperp. et' & idem W.W. in mia &c. Et modo ad iſtã cur' dom. in executione iudicij & recuperationis pred. per Seneſ. ſuum conceſſit prefat' A.B. de tenement. pred. cũ pertinen. ſeiſin' tenend. ſibi hered. & aſſignatis ſuis per virgã ad volunt. dom. ſecund. conſ. huius maner', & fecit inde dom. finẽ & fidelitat' & admiſſ. eſt inde tenens.

Et

Et poſtea ſcilicet ad iſtam eandem cur' predict' A.B. adtunc preſens exiſtēs ven' ac pred. W.W. ſurſ. reddidit in manus dom. tent' pred cum pertin. ad opus & v-ſum pred' A.B. hered. & aſſignat. ſuorum imperpet. Et vlterius prefat' W.W. remi-ſit, relaxauit, & omnino pro ſe & hered. ſuis imperpet. quiet' clam' prefat' A.B. hered. & aſſignat. ſuis in ſua plena & pa-cifica poſſeſſion' & ſeiſin' exiſten' die cō-fectionis preſent' totum ius, ſtatum, titul. clameum, intereſſe. ſeu demand. ſua que-cunque quæ vnquam habuit habet ſeu quouiſmod' in futur' habere poterit de aut in tenementis predictis cum pert. aut in aliqua parcella eorundem, Ita viz. qd nec prefat' W.W. nec hered. ſui aut al' eorum aliquod ius, titulum, ſtatum, clam' intereſſe, ſeu demand. de aut in tenemen. predictis cum pertinen. ſuis, nec in aliqua parcell' eorund. de cetero exigere, cla-mare, ſeu vendicare poterint nec debent in futur' ſed ab omni actione iuris, ti-tuli, clamei, vſus, intereſſe, & demand. inde petend' imperp' ſint excluſi & qui-libet eorū ſit excluſus imperp' p preſent.

Et

Et preterea prefat. W, W, conceſſit pro ſe & heredibus ſuis quod ipſe warrant' tenement' pred' cum pertinentijs prefat. A, B, & heredibus ſuis contra omnes homines imperpetuum.

Common recouerie in entrie in le poſt by conſent.

Et poſtea ſcilicet ad iſtam Cur' venerunt R, M, & W, M, & querunt' verſus predict. M, M, de placito terr. videlicet de predict. oct. acr. prati & fecerunt proteſtationem ſequi querelam iſtam in forma & natura breuis Domini regis de ingreſ. ſuper diſſeiſinam in le poſt Et ſuper hoc predict. R, & W, M, in proprijs perſonis ſuis petunt verſus pred. M, M, pred. octo acr. prati cum pertinentijs in I. infra iuriſdictionem huius Cur. vt ius & hereditat' ſuam & in quas idem M, M, non habet ingreſ. niſi poſt diſſeiſinam quam H, H, inde iniuſte & ſine iudicio fecit pref. R, & W, infra trigint' annos iam vlterios elapſos &c. Et vnde dicunt quod ipſimet fuerunt ſeiſiti de predict'

octo

octo acr. prati cum pertin' in dominico ſuo vt de feodo & iure ad voluntat' Domini ſecudum conſ. Manerij pred' capiend' inde explet' ad valenc. &c. Et in quas &c. Et inde producant ſect. &c.

Et predict' M, M, in propria perſona ſua ven' & defend' ius ſuum quando &c. & vocat inde ad warrant' predict' W, T, qui preſens eſt hic in cur' in propria perſona ſua & gratis predict. octo acr. prati cum pertinent' ei warrant' Et ſuper hoc predict. R, & W, M, petunt verſus ipſum W, T, tenent per warrant' ſuam ꝓd octo acr. prati cum pertinentijs in dominico ſuo vt de feodo & iure ad voluntatem domini ſecundum conſ. Manerij pred' tempore pac. tēp. dom. regis nunc capiend' inde explet. ad valenc' &c. Et in quas &c. Et inde produc. ſect. &c.

Et predict' W, S, tenens per warrant' ſuam defend' ius ſuum quando &c. Et vlterius voc. inde ad warrant' C, D, qui ſcilicet preſens eſt hic in Cur' in propria perſona ſua & gratis predict' octo acr. prati cum pertinentiis ei warrant' &c.

Et

Et ſuper hoc ijdem R. & W. M. petunt verſus ipſum C. tenen. ad warran. predict. octo acras prati cum pertin' vnd' dicunt quod ipſimet fuerunt ſeiſiti de eiſdem octo acris prati cum pertinen' in dominico ſuo vt de feodo & iure ad voluntat' dom. ſecund. conſ. maner' pred. tempore pacis tempore dom. regis nunc capiend' inde explet' ad valenc' &c, Et in quas &c. Et inde producit ſectam, &c.

Et pred. R. & W. M. petunt licentiam interloquend. & habent &c. Et poſtea ijdem R. & W. M. reuenerunt hic in cur' ad iſtam eandem curiam in proprijs perſonis ſuis, Et predict. T. licet ſolempniter exact' fuit non reuenit ſed in contemptu cur' receſſit, & defalt' fecit, ideo conceſſ. eſt, quod predict' R. & W. M. recuperet ſeiſinam ſuam verſus prefat. M. M. de predict. octo acris prati cum pertinentijs &c. Et quod idem M. M. habeat de terra predict. W. T. ad valenc' &c. Et quod idem W. T. vlterius habeat de terr' predict' C. D. ad valenc' &c. Et idem C. in mia &c. Et ſuper hoc pre-

predict.R.& W.M. petunt precept' de habere faciend. eis plenar' ſeſinam de predict.octo acr' prati cum pertinen.miniſtro cur' pred.dirigend. & eis conceditur rationabil' hic indilat' &c. Et poſtea ſcilicet iſto eodem primo die Aprilis ven' hic in cur' predict. R. & W.M. in proprijs perſonis ſuis & miniſt' cur' predict', videlicet, R. W. certificauit cur' predict.quod ipſe virtute precept' pred. ſibi inde direct. dict. primo die Aprilis habere fecit prefat' R.& W.M. plenam ſeiſinam de predict. octo acris prati cum pertin' prout per precept' pred. ſibi mãdat' fuit &c.

Et poſtea ſcilicet ad iſtam eandem cur' predict' R.& W.M. & pred. W.T. adtunc preſent' exiſten' venerunt, ac ſurſum reddiderunt in manus dom. in eadẽ cur' pred.octo acr' prati cum pertin. ad opus & vſum pred. M. M. her' & aſſign' ſuorum cui dom. perſeneſcallum ſuum predict.conceſſit inde ſeiſinam per virgã habend.& tenend. ſibi & hered. ſuis ad voluntatem domini ſecund.conſ.maner'

pred.

predict' &c. Et vlterius predict' R,& W M,& W, T, remiſerunt relaxauerunt & omnino pro ſe & heredibus ſuis imperpetuum quiet' clam' pref. M,M,hered' & aſſign' ſuis in ſua plena & pacifica poſſeſſione & ſeiſina exiſtens in plena Cur' totum ius ſtatum titulum clameū in tereſſe ſeu demand' ſua quecunq; que vnquam habuerunt habent ſeu quouiſmodo in futur'habere poterint de aut in predict' octo acr' prati cum pertinentijs aut in aliqua inde parcell' Ita videlicet quod nec pref.R,& W,M, & W,T,nec hered' ſui aut aliquis eorum aliquod ius titulum ſtatum clameū intereſſe ſeu demand' de aut in predict' octo acr' prati cum pertinentijs ſuis nec debent in futur' ſed ab omni occaſione iuris titul' clam' vſus intereſſe & demand inde petend ſint excluſi & quilibet eorum ſit excluſus imppetuum per preſentes Et preteria predict' W,T, conceſſit pro ſe & hered' ſuis qd ipſe warr' p̄d octo acr' prati cum pert' pref. M,M, & hered' ſuis cont' omnes hoīes imperpetuum &c.

Det

Det ſurr. emiſsit.

G. B. queritur verſus R. C. de placito debit. xxx.s. iiij. d. pro eo viz. quod cum prædict. R. T. decimo die Aprilis ann. &c. apud I. infra iuriſdictionē huius cur' emiſſet de eodem G. B. treſdecem ligenas olei vocat. meate oyle pro quindecim ſolidis & tribus denarijs vnam centenam de madder' pro quindecim ſolidis & vno denario ſoluend' eidem G. B. cum inde requiſit. fuiſſet que quidem ſūmæ in toto ſe attingunt ad pred. xxx.s. iiij. d. pred' tamen R. C. licet ſepius requiſit' predictis xxx.s. iiij. d. eidē G. B. nondum reddidit ſet ill' ei hucuſq, reddere contradixit & adhuc cōtradic' vnde dic' quod deteriorat. eſt & dampnum habet ad valenc' x.s. Et inde produc. ſect' &c.

Et præd' R. C. per I. A. Attorn. ſuum ven' & defend' vim & iniur. quando &c. Et dic. quod ipſe non debet præfat. G. B. pred. xxx.s. iiij. d. nec aliquē denariū inde in forma qua idem G. B. ſuperius verſus eū queritur ideo conſ. eſt qd præd' R. C.

Le gager' & perfect' legis pro eodem deb.

vadeat inde legem ſuam ſe duoden' manu pleg' de lege I. M. & R. F. & vener' cum lege ſua hic ad proxim' cur' in propria perſona ſua & dict' eſt præfat' Attorn' prædict' R. T. quod tunc habeant hic eundem *R.* C. magiſtrũ ſuum in propria perſona ſua ad perficiend' legem ſuam præd' &c.

Ad quem diem hic ven' pred' R. C. & per fecit inde legem ſuũ præd' ſe xij. manu prout ea ſuperius vad' ideo conc. eſt qd pred' quer' nihil capiat per placitum ſuum pred' ſed ſit in miſ. pro falſo clamore ſuo inde &c. Et qd præd' def. eat' inde ſiue die.

And as for all other actions which will lye in this Court, you ſhall finde ſufficient preſidents for them in the Hundred Court, parcell of this Booke, whereunto I referre you.

Breue de Graund Cape.

I. W. Seneſchalus balliuo eiuſdem manerij ſalutem, tibi præcipio qd capias in manum dom. per viſum proborum & legalium hominũ de manerio iſto tertiam partem

partem vnius meſuag' & viginti acr' terr' cum pertin' in I. quam A. I. in Cur' iſta &c. clam' verſus T. I. nuper de I. vt dotē ipſius A. ex donacione præd' C. I. quondam viri ſui per breue de dote vnde nihil habet pro defectu ipſius T. Et diem capcionis ſcire fac' mihi, Et ſum. per bonos ſum. prædict' T. qd ſit hic ad proxim' cur' inde reſpond' & oſtendend' quare non fuit hic ad vltimam cur' ſicut ſum. fuit, Et habeas ibi nomina eorum quibus hoc feceris ſum. teſte &c.

Le entre de graund Cape.

A. que fuit vxor C. I. per A. B. Attorn' ſuum obtulit ſe ad iſtam cur' verſus T. I. de placito terræ partis vnius meſuagij & viginti acr' terræ cum pertinentijs in I. qui eadem A. in cur' iſta hic clamat vt dotem ſuam ex dotacione prædict' I. C. quondam viri ſui eo quod tenement' predict' ſunt infra dominium iſtud. Et mulieres qu. poſt mortem virorum ſuorum de tenementis in I. prædi't' exiſtent' dotabiles ſunt ſecundum conſuetud' de

eodem manerio A. tempore quo non extat memoria hominum vſitat' de tertia parte eorundem dotari debent &c. Et ipſe non venit & ſummon' &c. ideo per iudicium Cur' tertia pars prædict' cum pertinentijs capiatur in manum domin. &c. Et diem &c. prædict' ſum. quod ſit hic ad prox' cur' &c.

Petit Cape.

I. W. Seneſchalus balliuo eiuſdem ſalut' tibi præcipio quod capias in manum domin. per viſum proborum & legalium hominum de manerio iſto vnum meſuagium cum pertinentjs qd A. C. in cur' iſta clam. vt ius ſuũ verſus B. R. per querelã de forma donacionis in le remanere pro defectu ipſius B. & diem capcionis ſcire facias mihi ad prox' cur', Et ſum. præd. B. *R.* quod ſit hoc coram &c. tali die inde reſponſur' & oſtenſur' quare non fuit hic in cur' iſta coram &c. tali die proxim' præterit' ſicut ſum. fuit, Et habeas ibi hoc precept', & qualit' &c. Dat' &c.

Le entrie de petit Cape.

T.Q.Ar' & I.vxor eius per Attorn' ſuũ opon' ſe quarto die verſus H.B.de I. & A.vxorem eius de placito tertiæ partis oct' meſuagiorum & oct' virgat' terr' cũ pertinentijs in I.quã pred' T.& I. in cur' iſta clam' vt dotem ipſius I.ex dotacione G.S.quondam viri ſui verſus eos,Et ipſe non ven',Et habuerunt inde diem hic vſque ad hunc diem ſcilicet decem diẽ &c. poſtquam alias comparuerũt hic in cur' ideo per iudicium tertia pars pred. cum pertinentijs capiatur in manum dom.Et ipſi ſum.&c.quod ſint hic in die &c. auditur' inde iudicium ſuum &c.

Habere facias ſeiſinam.

I.W.Seneſchalus balliuo eiuſdem ſalut' Scias quod A. B. in Curia tenta tali die per conſiderationem eiuſdem Cur' recuperauit ſeiſinã ſuam verſus B. C.de octo acr' terr' cum ptin.in I.per defalt' p-

dict' B. Et ideo tibi præcipio quod eidem A. B. plenariam ſeiſinam de tenement' prædict' cum pertinent' ſine dilacione habere facias ſeiſinam. Et habeas ibi hoc precept' & qualit' &c. Dat' &c.

The

The maner and form how to keepe a Hundred Court, or *Court Baron, commonly called a* three-weekes Court, and a Court of Auncient Demeſne, as followeth:

FIrſt the Steward muſt enter in his Court Booke the ſtile of the Court thus:

Cur' R.T.Mil' manerij ſiue hūd de A. Weſtbrook tent ibm̄ tali die & An', reciting the Kings ſtile at large: Coram A.B. & C.D.ſect' eiuſdem Cur'. *Alton' Weſtbrooke.*

This done, then the Baylife muſt ſay Oyes, that is, he muſt make an O yes, and ſay Eſſoynes and proffers before the Court three times, and then ſay, All manner of perſons that haue any thing to doe at this Court, draw neere, and giue your attendance, and if any man will bee eſſoyned let him come forth and he ſhall be receiued, or if any man

will enter any plaints, let him come and he shall be heard.

This done, if any man will enter anie plaints, you must enter them after this manner:

A. B. queritur versus C. D. de placito debit' vel de placito transgr' vel de placito capcionis & iniuste detencionis aueriorum suorum vel similia &c.

And if any man will bee Essoyned, you must enter their Essoines thus:

I.S. Esson' est pro sect' cur' per W.D.

Also there be foure other manner of Essoins which are seldome vsed to be cast, and these be they, viz. If a man be in the Kings warres or Embassage, or in any other of the Kings businesse, or beyond the Seas, or if any man be sicke in his bedde, or if any man be letted or hindred by water, so that he cannot come to the Court, which Essoins must be entred after this maner:

I.S esson' est quia est in seruic' domin' Regis &c.

A.S. esson' est quia est vltra Mare.

T.S. esson' est quia est de malo lecti.

W. G. essoniatus est quia non potuit venire propter fluxum vel altitudinem Aquæ.

And

And there be two other maner of essoines which are in plea, the one after sum̃ons or attachment, and the other after issue ioined, which are to be entred after this maner.

I.S. qui sum' fuit vel attach. fuit essendi hic ad hanc cur', ad respõd' T.K. de placito debiti vel similia, modo esson' est per D.W. &c.

And thother must be entred after this maner.

I *S.* qui habuit diem vsque ad hanc cur' ad exit' iunct' inter T.K. quer' & I.W. defend. modo esson' est per D.W. &c.

And if it be vpon a wager in Law, then it must be entred after this manner.

I.*S.* qui habuit diem ad hanc cur' ad faciend. legem suam versus T.K. quer' in placito debiti modo esson' est per W,D.

And in like maner the plaintife may be essoined if he will, and if the one party be essoined at one court, the other party may bee essoined at the next court following.

And you must vnderstand that whosoeuer will cast any essoine in these courts, he must come at the beginning of the Court when proclamation is made, or else he ought not to be receiued.

And

And note also that in all these case following, the party cannot be essoined: first if he haue an Atturney in the selfe same plea present in the court, or if the party himselfe bee scene in the court, or if there bee no plea, if the party made default at the last court before, then he cannot be essoined, or if he come in by Cepi corpus, or distresse, or if hee come in the end of the court, he cannot be essoined, as appeareth by the statut of Essoines made in the 12. yere of E. 2.

And you must also vnderstand that for euery default that the defendant maketh after his appearance, and day giuen to answer or do his law, and then make default at any day, he shalbe called non-suite, and he and his pledges amercied, & that is where the plaintife is a stranger dwelling out of the iurisdiction of the court, where he findes pledges, if the case should passe against him, his pledges must then pay the defendants cost, which is a thing very reasonable, but seldome or neuer vsed.

And the Steward of the court, at the beginning of the court, must inquire of the bailife how he hath serued the attachments and distresses, and other precepts to him directed, and if he say that they were serued, then cal the parties, and if the plaintife haue not his declaration redy when the defendant appeareth,

reth, he must be called non-suit thus, A. B. come forth and prosecute thy action against C. D. or else thou wilt be non-suit, and if hee come not forth (cedente cur', or some for him to craue further time to declare, which the court in discretion may grant him, then hee shall be non-suit of course, and if the defendant make default, processe must go forth against him, and in a personall action the prores are sommons attachment, and distres infinite, which attachments & distresses must be reasonable, and not outragious, according to the statute of Marlebridge cap. 4. And if the defendant make default vpon the attachment or distresse, they being serued and so returned by the bailife, then the goods so taken by attachment or distres be forfeit to the Lord of the court, and the defendant shall also be amerced, and a new Distringas shall go out against him, And if the defendant appeare and then after make default, he shalbe condemned by default, and a nihil dicit entred against him, and the Steward must enter both the effect of the declaration for the plaintife, and of the plea or answere for the defendant.

And if the parties plead to an issue triable by an Inquest, proces must be made to sommon the Iurie, viz. a venire fac', and if the defendant be condemned either by default or by

by verdict, then a Leuari fac' shalbe awarded to make leuie of his goods, and therupon the defendants goods shall be taken, praised, and sold to satisfie the party plaintife, and if the def. haue no goods whereupon leuy may bee made, then the pl. is without remedy, except it bee by a priuate custome which is vsed in some places to take the body, then the bodie may be taken by a Capias ad satisfac', & layd in prison, there to remaine vntil the pl. be satisfied, but you must vnderstand that in a county Court, hundred Court, or court Baron, there can be no plea held where the debt or damages amount to 5. s. or aboue.

And it is a marim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to be tried by oath, that is, by wager of law by the def. and not otherwise, vnlesse it be by assent of both parties.

The

The forme of proces in baſe Courts which are Courts of Record.

A Sommons.

PRec' eſt balliuo ibidem quod ſum' fac' C.D. quod ſit hic ad prox. cur' ad reſpondēd. A.B. in placito debiti, detentionis, treſpas, vel ſimilia.

An Attachment.

Prec' eſt balliuo ibid. quod attachiat' C.D. per bona & catall' ſua, quod ſit ad prox. cur' ad reſpondend. A.B. de placito debiti vel ſimilia.

A Diſtringas.

Prec' eſt balliuo ibidem quod diſtringat E.D. per bona & catalla ſua quod ſit ad proxim. cur' ad reſpondend. A.B. de placito debiti &c. Teſte I.W. gen' Seneſ. ibidem.

Al' distring. & plur' distring'.

Prec' est balliuo ibid. sicut al' vel sicut plur' tibi precept' fuit qd distringas &c. vt supra.

A venire fac'.

Prec' est balliuo ibidem quod ven. fac' 12. probos & legal' homines de balliuo suo, qd sint hic ad prox' cur' ad triand. exit. iunct. inter A.B. quer' & D.C. def. de placito debit' vel similia.

And if a full Jury do not appeare, then as many as make default, and bee not essoined, shalbe amerced, and a Decem tales awarded to sommon tenne moe, as followeth, and the same day giuen to the first Jury.

Decem tales.

Prec' est balliuo ibid. qd venire fac' decem tales probos & legales homines de balliua sua, quod sint hic ad prox. cur' cũ alijs qui sibi adtunc & ibid. associentur ad triand. exit. iunct' inter A.B. quer' & C D. defend. de placito debiti vel similia.

At

At which day as many as make default, & be not essoined, shal be amerced, and then an Octo tales shall bee awarded, and after that if need be a sex tal'.

And if there appeare a full Jurie, then both the parties shall haue their challenges lawfull to the Jurors, and if the Jury finde for the plaintife, then they must giue cost of suit and damages, and in the like maner they shal assesse damages, if they finde for an Auowant in a Repleuin &c.

A Leuare fac'.

Prec' balliuo ibid. qd de bonis & catallis C.D. leuare fac' xx.s. quos A.B. in hac cur' recuperauit versus eum in placito debiti, vel similia, & pro mis. & custagijs suis 12.d. Ita quod denar' illos habeat hic ad prox cur' ad reddend. pred. A.B. Teste &c.

And if the bailife returne that he can finde no goods of the said C.D. then if the custome serue, he may haue a Capias to take the body and lay him in prison, vntill such time as he hath satisfied the party, the forme of which precept is thus:

A

A Ca. ad ſa.

Prec' eſt balliuo ibidē qd capiat C. D. & eum in priſona ſua ſaluo cuſtod. fac. quouſque ſatisfecit A.B.tam de xx.s.pro debito quos prefat' A.B.recuperauit verſus eum quam 12.d. pro miſ. & cuſtagijs ſuis &c. Teſte &c.

And if any gwdes bee taken wrongfully, then the party grieued may haue a Repleuin which muſt be made after this maner.

A repleuin.

I.W.generoſus Seneſcallus R.T.mil. R.F.balliuo hundred.de A. ſalut. Quia A.B.inuenit mihi ſufficient' ſecuritatem tam de clamore ſuo proſequend. quam de auerijs ſuis, videlicet, vno boue quæ C. D. cepit, & iniuſte detinet vt dicitur retorn' ſi retorn' inde adiudicetur, Ideo tibi precipio pariterque mando quod bouem predict.prefat.A.B. ſine dilatione replegiar' & deliberar' fac' & pon' per vad. & ſaluos pleg.pred. C. D. quod

quod ſit ad prox. cur' apud A. predict. tenend. ad reſpondend. prefat' A.B. de placito captionis & iniuſte detentionis bonis predict. Et qualiter hoc precept' meum fuerit execut' mihi ad prox. cur' apud A. predict. tenend. conſtare fac. ſub periculo incumbent' vno cum hoc precept' dat' ſub ſigillo meo decimo die Aprilis anno regni dom. noſtri Iacobi dei gratia Angliæ, Scociæ, Franciæ, & Hib. regis fidei defenſ. &c. viz. Angl. Franc. & Hiber. 15. & Scoc. 51.

I.W. gen' Seneſcal. ibid.

And if the bailiſe do not deliuer the plaintife his cattell by vertue of the ſaid Repleuin then the plaintif may haue an Alias repleuin with theſe words, vel cauſam mihi ſignifices which Repleuin muſt bee made after this manner.

Al' Repleuin.

I.W. gen. Seneſcallus R. T. R. F. balliuo manerij ſiue hundred. ſui de A. ſalut. Quia A. B. inuenit mihi ſufficientem

ſecuritatem tam de clamore ſuo proſequend.&c. *as in the other Repleuin*, Ideo tibi precipio pariterq; mando, ſicut alias tibi mand. bouem pred.eidem A.B. ſine dilatione replegiar' fac' vel cauſam mihi ſignifices, quare mandat' mea tibi inde direct.exequi noluiſti aut non potuiſti, Et pon' per vad' & ſaluos pleg.&c. vt antea *in thother Repleuin.*

And if the Bailife doe not deliuer the plaintife his cattell vpon this Repleuin, nor ſhew ſufficient cauſe why hee did not, then the partie may haue a Pluries Repleuin, vel cauſam mihi ſignifices, which muſt be made verbatim, as the Alias Repleuin was made, onely changing this word Alias into Plures, And if the Bailife return vpon any of theſe Repleuins, quod aueria elongat' ſunt ad loca ſibi ignot', Ita quod aueria ill' prefat. C. D. deliberar. non potuit. Then the plaintife may haue a Withernã, which muſt be made in this maner.

A Withernam.

I. W. gener. Seneſcallus, R. T. milit. R. F. bal-

F. balliuo manerij ſiue hundred. ſui de A. ſalut', Cum A.B. inuenit mihi ſufficientem ſecuritatem tam de clamore ſuo proſequend. quam de retorn' habend. de vno boue &c. ſi retorn' inde adiudicetur quem E. D. apud C. cepit & iniuſte detinet vt dicitur, Et predictus balliuus ſuper diuerſ. precept' mea de repleg. fac' eidem balliuo direct. mihi certificauit quod predict. bos elongat' eſt ad loca ſibi ignot', Ita quod viſum eiuſdem habere non potuit, Ideo tibi precipio pariterque mando quod capias in Withernam catall' ad valenciam dicti bouis de catallis dicti C.D. ad deliberand. prefat. A.B. pro boue pred. ſic elongat' & pon' per vados & ſaluos pleg. pred. C. D. vt ſuper *in the firſt repleuin &c.*

Deliberatio.

I. W. generoſus Seneſcallus, R. T. miles cur' manerij ſiue hundred. ſui de A. R.F. balliuo manerij ſiue hundred, predict. necnon I.S. & R. B. balliuis hac vice tant' ſalut' & parte domini regis

vobis & cuilibet veſtrum coniunctim & diuiſim mando quod deliberari fac' ſeu vnus veſtrum deliberari faciat C.D. aueria ſua quæ A. B. cepit & iniuſte detinet contra vad' & pleg' vt dicitur, Et quod pon' ſeu &c. predict' A.B. quod ſit hic ad proxim' cur' tenend' preſat' C.D. inde reſponſur' de placito pred' & reſponſum huius precept' mihi conſtare fac' ſeu &c. ad prox' cur' dat' &c.

Al' Capias in Withernam.

I.W. gen' Seneſcallus R.T. mil' maner' ſiue hundred' ſui de A. balliuo hundred' de A. necnon A.D. & C.B. balliuis meis hac vice tantum itinerant' ſalut', Quia R. F. balliuus h dred' predict' ad cur' hundred' illius coram me tent' apud A. tali die & ann' &c. mihi retornauit quod virtute warranti mei ſibi plur' direct' acceſſit ad parcum I.D. apud locum vbi aueria pred' imparcat' & detent' fuerũt per eundem I.D. & aueria ill' eunt' & elongat' fuerunt ante aduentum ſuum extra hundred' predict' ad loca ſibi ignot' per

pre-

predict' I. D. per quod aueria pred' balliuus predict' repleg' non potuit quare conſ. eſt per cur' volent' malic' ipſius I. obuiar' quod aueria predict' I. caperentur in Withernam ad valenc' &c. & ea prefat' A.B. deliberentur ſaluo & ſecur' cuſtodiend' donec eidem A.B aueria ſua predict. ſecundum legem repleg' poteſtis & iuxta tenor' mandati mei pred' Ideo vobis & cuilibet veſtrum contim' & diuiſim mando quod capiat' ſeu &c. aueria pred' I. D. ad valenc' &c. in Withernam, & ea prefat' A.B. deliberari fac' ſeu &c. ſaluo & ſecur' cuſtod' quouſque &c. Et diſtringat' ſeu &c. prefat' I. D. Ita quod ſit apud A. ad prox' cur' ibid. tenend. ad reſpõdend. prefat' A.B. de placito pred. & reſponſ. huius precept' mei conſtare fac' ſeu &c. ad prox' cur' dat' ſub ſigillo officij mei tali die & anno &c.

Note that when the ſaid Repleuin is grãted, there muſt be a band take of him to whõ it is granted, or of ſome other for him to appeare at the nert court & to proſecute his ſuit with effect or els it may be preiudiciall both to the grãtor of ỹ repleuin, & to the executioner

thereof, and the forme of that band and condition thereof is this.

An obligation vpon a Repleuin.

Nouerint vniuersi per presentes me Anton' D. de A. in com. S. gen' teneri & firmiter obligari Richardo T. mil' dom. hundred. de A. in decem libr. bone & legalis monete Angl. soluend. eidem Rich. aut suo certo attorndto, executor', vel assignat' suis, ad quam quidem solutionem bene & fideliter faciend. obligo me, hred. exec', & administratores meos firmiter per present', Sigillo meo sigillat', dat' x. die Febr. anno regni dom. nostri Iacobi dei gratia Angl. Scoc', Franc', & Hiber. regis fidei defensor' &c. viz. Angl. Franc', & Hibern', 14. & Scociæ 50.

The condition thereof.

The Condition of this Obligation is such, That if the aboue bounden A. D. doe appeare at the next Court of the aboue named Sir R. T. to bee holden within this manor of A. in the countie of Southampton, and then and there prosecute with effect

fect his ſuite or action againſt A.B. for the wrongfull taking & detaining of his cattell, as he hath alledged, & do make returne therof, if return therof ſhalbe adiudged in ỳ ſaid Court by courſe of Law, and alſo doe ſaue and keepe harmeleſſe the ſaid I.W. Steward of the ſaid Court, and the bailifes, in all things touching or concerning the granting or execution of the ſaid Repleuin, without fraud, couin, or delay, That then this preſent obligation to bee void, and of none effect, or elſe the ſame to ſtand, remaine, and continue in force, ſtrength, and vertue.

And if it be auncient demeſne, then there they vſe to acknowledge fines, and ſuffer recoueries of their land which they buy and ſell within auncient demeſne, and that is by the Kings writ of Right Cloſe, iſſuing out of the Chaunceric, directed to the Bayliffe of the Court, and they are entred in the court booke after this manner.

Alton Weſtbrooke the forme and manner of a Fine there.

Cur' Ric. T. & H. vx. eius ibid. tẽt' die Iouis, viz. x. die I. anno regni &c. *reciting*

the ſtile of the King at large coram Rich.B, & I, in ſectatoribus eiuſdem cur' ſecundum conſuetudinem eiuſdem cur' a tempore cuius contrarij memoria hominum non exiſtit.

Ad hãc cur' ven' I, M, in propria perſona ſua, & protulit hic in cur' breue dict' dom.regis de recto clauſo verſus I.F. & S vx' eius balliuo Ric.T.mil', & H.vx' eius manerij ſui de Alton Weſtbrook directi in form' iuris ſecundũ conſ.maner' pred exequend' & termin. cuius quidẽ breuis ten' ſequit' in hæc verb. Iaco &c & ſic reciṭ̃ d' tot' br' verbat' &c. ſuper quo pred. I,M,ſecũd' conſ. maner' pred' fecit proteſtation' proſequi breue ſuũ pred' verſus pref.I,F,& S,vx' ei⁹ in form' & nat' breuis dom' reg.de conuent' ad cõem legem ad finẽ inde int' eos de ten'tis pred. compert in br'e pred.ſpec' fiend' & leuãd.petend.qd pred.I.F. & S.vx' eius teneãt ei cõuenc' de ten'tis pred. cũ pert' in Alton W.Et inuen' pleg.de proſ. br'e ſuũ pred. viz.I,D,& R,R,ſup quo ijdẽ I,S,& F,vx' eius ſolẽpnit' exact' ſunt & cõparuerunt, Et ſuper hoc ijdem I, F, & S, vxor eius

petunt

petunt licentiã concordandi cum pred' I. M. de placito pred' & dant' dom' pro tali licenc' iij.s.iiij.d.

Et eſt concord' talis ſcz.qd pred.I.F.& S.vx'eius recogn' tent' p̃d' cũ pertin' eſſe ius ipſ.I.M.vt ill' que idẽ I. M. habuit de dono p̃d' I.F.& S.vxor' eius, Et ill' remiſer'& quiet' clam. de ſe et hæred' ſuis p̃f. I.M.& hæred' ſuis imppetuũ,& p̃teria ijdem I.F.& *S.* vx' eius conceſſer' pro ſe & hæred' ipſius I.F.qd ipſe warr' tent' pred cũ p̃tin' pref.I.M.& hæred' ſuis cont' p̃f. I.F.& S.& hæred' pred' I.F.imperpetuũ, Et pro hac recog' remiſſion' quiet' clam' warr' fine & concordia idem I.M. dedit' p̃f. I.F. & *S.* vxori eius xl.marc' ſterl.&c.

The ſtile of the Court muſt be ſet downe as it is before in the fine mutatis mutandis, and is as occaſion ſhall ſerue. Then thus:

The forme of a Recouerie there.

AD hanc Cur' venerunt R.H.& T.*S.* in proprijs perſonis ſuis, & protuler' hic in cur' breue domini regis de recto clauſ.verſus I.M. balliuo R. T. Mil' & H. vxoris eius manerij ſui de Alton' Weſtbroke direct' in forma iuris ſcdm' conſ.

manerij

manerij predict' exequend' & terminād' cuius quidem breuis tenor' ſequitur in hæc verba Iacobus &c. & ſic recitand' breue verbatim vt ſupra *in the fine.* Super quo præd' R. H. & T. S. ſecundum conſuetud' manerij præd' fecerunt proteſtacionem proſequi breue ſuum præd' verſus præf. I.M. in forma & natura breuis dom' regis de recto ad communem legem. Et inuener' pleg' de proſequend' breue ſuum præd' viz. Io. Doo, R. Roo. Et petūt proceſſum eis fieri verſus præf. I.M. ſecundum conſuetud' manerij pred' Et præd' I. M. ſolempnit' exact' comperuit, Et venit hic in cur' in propria perſona ſua. Super quo ijdem R.H. & T.S. petunt verſus præf. I.M. tenement' prædict' cum pertin' vt ius & hæred' ſuum, Et in quo idē I.M. non habet ingreſſ. niſi poſt diſſeiſinam quam H.H. iniuſte & ſine iudicio fecit præf. R.H. & T.S. infra trigint' annus &c. Et vnde dicunt quod ipſimet fuerunt ſeiſit' de tenement' prædict' cum pertinen' in dominico ſuo vt de feodo & iure tempore pacis tempore dom. regis nunc capiend' inde expleſ. ad valenc' &c

Et

Et in que &c. & inde producunt sect' &c.

Et prædict' I. M. in propria persona sua ven' & defend' ius suum quando &c. Et vocat' inde ad Warrant' I.F. qui præsens est hic in cur' in propria persona sua Et gratis tenement' prædict' ei warrant' &c. Et super hoc ijdem R. H. & T.S. petunt versus ipsum I. F. tenēt' per warrāt' suam tent' prædict' cum pertin' in forma prædict' &c. Et vnde dicunt qd ipsimet fuerunt seisit' de tenementis præd' cum pertin' in dominico suo vt de feodo & iure tempore pacis tempore domini regis nunc capiend' inde exples. ad valenc' &c. & in que &c. & inde produc' sect' &c & prædict' I.F. tenens per warrant' suam defend' ius suum quando &c. Et vocat' inde ad warrant' I.P. qui similiter presens est hic in cur' in propria persona sua, & gratis tent' pred' cum pertin' eis warrant' Et super hoc ijdem R. H. & T. S. petunt versus ipsum I.P. tenen' per warrant' suū tenement' præd' cum pertinen' in forma prædict. Et vnde dicunt quod ipsimet fuerunt seisit' de tenementis præd' cum

per-

pertinentijs in dominico ſuo vt de feodo & iure tempore pacis tempore domini regis nunc capiend' inde expleſ. ad valenc' &c.

Et pred' I.P. tenen' per warrant' ſuam defendit ius ſuū quando &c. Et ponit ſe in magnam aſſiſam domin' regis, & petit recogn' fieri vtrum ipſe maius ius habet tenend' tent' prædict' cum pertin' vt tenens inde per warr' ſuam vt ille tenet An pred' R.H, & T, S, habend' eadem tenement' cū pertin' vt ill' ſuperius petit &c. Et prædict' R, H, & T, S, petunt licentiam inde interloquend' & habent &c. Et poſtea ijdem R.H. & T. S, reuenerunt hic in cur' ſcilicet iſto eodem die in propriis perſonis ſuis, Et pred' I, P; licet ſolempniter exact' non reuenit ſed in contemptu cur' receſſit & defalt' fecit ideo conſideſt per Cur' qd prædict' R, H, & T, S, recuperunt ſeiſinam ſuam verſus præf. I. M, de tenement' pred' cum pertinen' tenēd' eiſdē R.H, & T, S, & heredibus ſuis quiet' de predict' I.M. & hæred' ſuos, Ac etiam de prædict' I, F, & hæred' ſuos, Et etiam de prædict' I.P. & hæred' ſuos imperpetuum

tuum, Et quod idem I.M. habeat de terr' pred' I.F. ad valenc' Et quod idem I. F. habeat de terr' pred' I,P, ad valenc', Et idem I.P. in mis. &c.

Ex' per I.W.
Senescha lum ibm'.

Now here doe follow diuers and sundrie forms of Declarations & pleadings incident and belonging to this Court, as followeth:

A declaration for a debt vpon a specialtie.

WIllielmus S. sum. fuit ad respondend' E.F. de placito qd reddat ei xxxix.s. quos ei debet & iniuste detinet &c. Et vnde idem E. per I.B. Attorn' suũ dic' quod cum predicto quinto die Marcij anno regni domini regis nunc Angl' &c. decimo tertio, Apud A. infra iurisdictionẽ huius cur' per quoddam script' suum obligatorum concessisset se teneri eidem E. in præd' xxxix. s. soluend' eidẽ E. cum inde requisit' fuisset pred' tn' W.

licet

licet ſepius requiſit' prædict' xxxix.s. eidem W. nondum reddidit ſed illos ei hucuſque reddere contradixit & adhuc contra dic. vnde dic. qd deteriorat' eſt, & dampnum habet ad valenc' xx.s. & inde produc' ſect' &c. Et profert' hic in Cur' ſcript' præd' quod debitum præd' in forma præd' teſtatur cuius dat' eſt die & anno ſuprad' &c.

Pleg. de proſeq. { Ioh. Doo / Rich. Roo.

Barre in Dett.

Per priſt a paier & offer.

ET prædict' def. venit & defend' vim & iniur' quãdo &c. Et dic. quod ipſe ſemper A. predict' quinto die Marcij anno ſupradicto hucuſq; parat' fuit & adhuc exiſtit ad ſoluend' præf. quer' præd' xxxix.s. Et illos hic in cur' profert parat' ad ſoluend' ſuper quo idẽ quer' xxxix.s. ill' hic in cur' recepit ideo prædict' def. ſit inde quietus &c.

A declaration vpon a Bill Oblig'.

I. H. fuit ad reſpondend' I. H. de placito quod reddat ei xxx.s. quos ei debet & iniuſte

iniuſte detinet &c. Et vnde idem I.H. per I.B. Attorn' ſuum dic' quod cum præd' I.H. decimo quinto die Octobris anno regni dom. regis nunc Angliæ &c. xiiij. hic apud S. infra iuriſdictionē huius cur' per quandam billam ſuam obligatoriam quam idem I. Hamon' ſigillo ipſius I. Holte ſigillat' hic in cur' profert cuius dat' eſt eiſdem die & anno cognouiſſet ſe debere eidem I. Hamon xv. s. ſoluend' eidem I. Hamon execut', adminiſtr' vel aſſign' ſuis in vel ſuper feſtum Penticoſt' tunc prox' ſequen' dat' billæ prædict, Et ad eandem ſolutionem bene & fidelit' faciend' idem I. Holte obligaſſet ſe hæred', executores & adminiſtratores ſuos eidem I: Hamon in predict' xxx. s. quos ipſe cognouiſſet ſe per billā ſuam præd' ſatisfacere pro non ſolucione prædict' xv. s. Et idem I. Hamon in facto dic' qd prædict' Io: Holte non ſoluit eidem Io: Hamon xv. s. nec aliquem inde denariū ſecundum formam & effect' bille præd' per qd actio accreuit eidem Io: Hamon ad habend' & exigend' de pref. Io: Holte prædict' xxx. s. prædictus tamen I. Holte

licet

licet ſepius requiſit' eoſdem xxx.s. eidem Io: Hamon nondum reddidit ſed ill' ei hucuſque reddere contradixit & adhuc contradic' vnde dic' quod deteriorat' eſt, Et dampnum habet ad valenc' x.s. Et inde produc' ſect' &c.

Barre per deins age.

ET prædict' I. Holte per I. F, Attorn' ſuum ven' & def. vim & iniur' quand' &c. Et dic' qd ipſe de debito pred' virtut' billæ præd' onerari non debet quia dic' quod ipſe tempore confectionis billæ predict' fuit infra ætatem xxj. annorum, Et hoc parat' eſt verificare vnde pet' iudicium ſi præd' I. Hamon actionem ſuã prædict' virtute billæ predict' in forma pred' fact' verſus eum habere debeat &c.

Replic' & Reioynder.

ET prædict' I. Hamon dic' quod ipſe per aliqua præallegat' ab actione ſua præd' habend' præcludi non debet quia dic' quod predict' I. Holt tempore confectionis

fectionis bille predict' fuit plenè etatis viginti vnius annorum & non infra etatem Et hoc pet' quod inquiratur per patriam Et predict' I,H,ſimiliter Ideo duodecem &c.

Det ſur reteyner pur wages.

A,B, &c. ſum' fuit ad reſpondend' C, D,de placito quod reddat ei 39.s. quod ei debet & iniuſte detinet &c. Et vnde idem C,per D,W, attornatum ſuum dic' quod cum predict' A,decimo die Marcij anno &c. apud S, infra iuriſdictionem huius Cur' retinuiſſet ipſum C, ad deſeruiend' dicto A, ab eodem die per vnum annum integrum tunc prox. ſequent' in officio vnius valect' ad precept' & negotia ipſius A, quecunque licit' & honeſta pro poſſe & ſcire ſuis agend' ſolicitand' & exequend' capiend' de eodem A, pro ſalario ſuo per tempus illud 39. s. idemque C, predictum A, in officio pred' per tempus predictum bene & fidelit' deſeruiſſet Ac omnia precept' & negotia ſua licita & honeſta pro poſſe & ſcire ſuꝫ per

idem tempus bene & fidelit' feciſſet ſolicitaſſet & execut' fuiſſet' ac predict' 39.s. eidem C. pro ſalario ſuo pred' per tempus predict. arretro exſtitiſſent non ſolut' per quod action' accreuit eidem C. ad exigend' & habend' de prefat. A. eoſdem 39. s. predict' tamen A. licet ſepius requiſit predict' 39.s. eidem C.nondum reddidit ſed illos ei hucuſque reddere contradixit et adhuc contradic.vnde dic' quod deteriorat' eſt, Et dampnum habet ad valenc' 10.s.Et inde produc. ſect.&c.

Barr' per rien luy doit.

Et predict' A.B.per I.W.attorn' ſuum ven' & defend' vim & iniuriam quando &c. Et dicit quod ipſe non debet prefat. C.D. predict. 39. s. nec aliquem denar' inde in forma qua idem C. ſuperius verſus eum warrant', Et hoc petit quod inquiratur per patriã,Et pred' A.ſimil' &c. Ideo 12.&c.

A confeſſion in debt.

Et predict' A. per I. W. attornatum ſuum venit &c. Et dicit quod ipſe non poteſt dedicere actionem predict' C. p̄d nec quia ipſe debet pref. C. predict. 39. s. prout predict. C. ſuperius verſus eum narrauit Ideo conc. eſt quod predict' C. recuperet verſus pref. A. debitum ſuum predict' & dampna ſua occaſione detentionis debiti illius ad 40. s. eidem C. ex aſſenſu ſuo per Cur' hic adiudicat, Et p̄d A. in mīa &c.

Det ſur mutuatus.

A. B. attach. eſt ad reſpondend' E, F, de placito quod reddat ei 30. s. quos ei debet & iniuſte detinet Et vnde idē E. F. per I. W. attorn' ſuum dic' quod idem pred. A. B. 10. die F. anno &c. apud &c. infra iuriſdictionem huius Cur' mutuat⁹ fuiſſet de eodem E. F. predict. 30. s. ſoluend' eidem E. F. cum inde requiſit' fuiſſet predict' tamen A. B. licet ſepius requiſit'

predict' 30. s. eidem E, F, nondum reddidit sed ill' ei hucusque reddere contra dixit & adhuc contra dic. vnde dic. quod deteriorat est Et dampnum habet ad valenc' x.s. Et inde produc' sect' &c.

Imparlans.

Et pred' A, per S, T, attorn' suū ven' & defend' vim & iniur' quando &c. Et pet' licenciam inde interloquend' hic vsq; ad prox. cur' Et habet &c. Idem dies dat' est p̄fat. C, hic &c.

Per minas.

Et predict' W, per N, E, attorn' suum ven' & defend' vim ' & iniur' quondo &c Et dicit quod ipse de debito pred' virtut' script' onerari non debit quia dic' quod predict' R. tempore confectionis script' predict' eidem W, tales & tantas minac' de vita sua & mutulatione membrorum suor' sibi inferend' nisi ipse script' pred' pref. R, facere & sigillare vellet apud A, infra iurisdictionem huius Cur' imposuit quod

quod idem W, ſcript' illud ob metum minarum illarum pref. R, adtunc & ibidem fecit Et hoc parat' eſt verificare vnde petit iudiciũ ſi pred' R, actionem ſuã pred' virtute ſcript' pred' verſus eum habere debeat &c.

Et pred' R, dic' quod ipſe per aliqua preallegat' ab actione ſua præd' habend' precludi non debet quia dic' quod pred' A. tempore confectionis ſcript' pred' fuit ſui iuris ad largũm & ſcriptum illud ex mera & ſpontanea voluntate ſua prefat. W. fecit & non ob metum minar' prout pred' R. placitando allegauit Et hoc pet quod inquiratur per patriam Et predict' R. ſcz. Ideo xij. &c.

Barr' per proteſtation.

Et prædict' A.B. per T.C. attornatum ſuum venit & defend' vim & iniuriam quando &c. Et dic' quod prædict' R.S. actionem ſuam prædict' inde verſus eum habere ſeu manutener' non debit quia proteſtand' quod nulla talis collocatio int' pref. A. & R. habit' fuit quod idem A.

deliberat' pref. R. pred. duas pecias &c. in partem ſatisfaction' pred. 39. s. in narratione pred' ſpec' proteſtando etiam qd pred' A. non ad duxit ſecum pred. C. in narr' pred' etiam ſpec' ad pred' duas pecias &c. aſportand' ad decipiend' & defraudand. pred. R. de pred. duabus petijs prout in narr' pred. ſuperius ſupponit' proteſtando etiam quod pred' A. adhibens fidem aſſumptioni pred' R. non deliberauit pref. C. predict. duas prec' &c. per limitationē & aſſumpſ. dicti A. prout in narr' predict. etiam ſupponit' proteſtando etiam quod quedam collocutio habita fuit inter predict' A. & R. quod predict' R. deliberaret in mutuo pref. A. 39. s. in pecunijs numerat' ſub cert' condition' & ſuper inde concordare non potuerunt Ideo pred' locutio vacua & nullius vigoris fuit Et pro placito idem A. dic' quod ipſe non promiſit nec ſuper ſe aſſumpſit modo & forma prout predict' R. ſuperius verſ. eum quer' Et hoc pet' qd inquir' per patriam Et predict' A. ſimilit' Ideo 12. &c.

Barr'

Barr' per concord.

Et predict' A. per I.W. attornat' ſuum ven' & defend' vim & iniur' quando &c. Et dic' qd predict' C. actionem ſuam p̄d̄ inde verſ. eum habere ſeu manutenere non debet quia proteſtand' quod non cogn' aliqua in narr' predict' fore vero pro placito tamen dic' qd poſt aſſumptionem & promiſſionem predict' fieri ſc. 10. die M. anno &c. apud &c. int' eundē A. & pref. C. tam de aſſumptione & promiſſione predict. quam de omnibus alijs tranſg. & offencis inter ipſum A. & pref. C. ante eundem 10. diem M. habit' fact' mot' & perpetrat. ſiue penden' per mediationem amicorum ſuorum inter eos amicabilit' int' venient' talis habebatur concordia viz. qd idem I. in plenam ſatisfactionem & relaxation' tam aſſumpt' vnde predict. R. ſuperius ſe modo quer' quā omniū alior' tranſg. & offenc. p̄ ipſ. I. ante tēpus illud pref. R. fact' daret eidē R. duas vaccas & qd idem I. extunc verſ. pref. R. tā de aſſumptione & promiſſione

predict' quam de omnibus alijs transgr. & offenc. esset quietus imperpetuum, Et idem I. dic' qd ipse adtunc & ibidem dedit & deliberauit p̄f.R.duas vaccas Idemque R. duas vaccas illas de eodem I. adtunc & ibidem recepit iuxta formā & effect' concordij pred' Et hoc paratus est verificare &c.

Nul tiel concord.

Precludi non quia dic' qd non habebat' aliqua talis concordia inter ipſ.R.& pref.I.modo & forma quibus idem I. superius in barr' placitando allegauit Et hoc pet' qd inquirat' p̄ patriam Et pred' I ſcz. Ideo xij.&c.

Count ſur baylement per auter maines.

T. G. ſum. fuit ad reſpondend' N. P. de placito qd reddat ei xxx. s. quos ei debet & iniuſte detinet&c. Et vnde idem N. per R. L. Attorn' ſuū dic' quod cum quid' P. R: vltimo die I. anno regni domini regis nunc Angliæ &c. decimo apud

pud B. infra iuriſdictionē huius cur' liberaſſet prefat' T.G. præd' xxx. s. ad ſoluend' & deliberand' eidem N. quandocunque prefat' T. G. per ipſum N. foret requiſit' predict' tamen T.G. licet ſepius requiſit' prædict' xxx. s. eidem N. nondum reddidit ſed ill' ei hucuſque reddere contradixit & adhuc contradic' vnde dic' quod deteriorat' eſt, Et dampnum habet ad valenc' x. s. Et inde produc' ſect' &c.

Rien luy doit per ley.

Et pred' T. per B.C. attorn' ſuum ven' & defend' vim & iniuriā quando &c. Et dic' qd ipſe non debet pref. N. pred' 30. s. nec aliquem denarium inde in form' qua idem N. ſuperius verſus eum narrauit Et hoc parat' eſt defendere contra ipſum & ſect' ſuam per legem ipſius T. prout cur' hic conc. inde faciend' &c. vnde petit iudiciā ſi pred' N. actionem ſuā pred' verſ. eum manutenere debeat &c.

Demurrer

Demurrer ſuper inde.

Et predict. N. dic. predict. defenſio predict. T. per legem ſuam faciend' pretenſa non eſt ſufficiens exitus nec admitibilis ad ipſum T. contra predict. materiam in narratione ipſius N. content' ab actione ſua predict' habend' precludend' vnde pet' iudicium & debitum p̄d vna cum dampnis &c. pro defectu ſufficient' reſponſionis & exitus in lege ſibi adiudicari &c.

Et predict' T. ex quo predict' reſponſio & dict' defenſio ſua per legem ſuam faciend' in forma predict' pretenſ. ſufficientes reſponſio & exitus admittibiles ſunt in lege Ad predict' N. ab actione ſua predict' habend' precludend' & predict' N. legem ipſius T. in hac parte faciend' admittere omnio recuſat petit iudicium & qd̄ p̄d N. ab actione ſua p̄d habend' precludatur &c.

Det

Det port per exec' verſ. exec' ſur ſpec'.

A.T. exec' teſt' T.B. ſum' fuit ad reſpondend' E. W. exec' teſt' S.A. de placito quod ipſe ſimul cum C. coexecutor̄ prædict' T. teſt' prædict' T. reddat ei xxxviij.s. quos ei iniuſte detinet &c. Et vnde idem E. per I.W. attornatum ſuum dicit quod cum prædict' T. B. viceſimo die Auguſti anno &c. apud P. infra iuriſdictionem huius Cur' per quoddam ſcriptum ſuum obligatorum conceſſiſſet ſe teneri eidem S. in prædict' xxxviij.s. ſoluend' eidem S. in feſt' &c. prædict' tamen T. in vita ſua nec prædict' executor' teſt' poſt mortem eiuſdem T. licit ſepius requiſit prædictos xxxviij.s. præfat' S. in vita ſua nec eiſdem executoribus poſt mortem eiuſdem S. non reddiderunt ſed ill' ei reddere coutradixerunt & adhuc contradicūt & ill' ei adhuc iniuſte detinet vnde dicit quod deterioratus eſt & dampnum habet

habet ad valenc' x.s. Et inde produc' ſect' &c. Et profert hic in cur' tam ſcript' pred' quam alias Teſtam̃ per quas ſatis liquet ipſum E. fore exec' teſt' pred' S.

Det port per adminiſtr'.

W. W. ſum' fuit ad reſpondend' I. A. adminiſtratrici omnium & ſingulorũ bonorum & catallorum que fuerunt L. A. qui obijt inteſtat' vt dicitur de placito quod reddat ei xxxix. s. quos ei iniuſte detinet &c. Et vnde eadem I. per I. W. attornatum ſuum dic' quod cum præd' W. tali die & anno &c. Apud S. infra iuriſdictionem huius Cur' per quãdem billam ſuam obligatoriam quam eadem I. ſigillo prædict' W. ſignat' hic in Cur' profert cuius dat' eſt eiſdem die & anno cognouiſſet ſe debere prefat. L. predictos xxxix. s. in vita ſua ſoluend eidem L. apud talem feſt' prox. &c. Et ad eandem ſolucionem bene & fidelit' faciend' prædict' W. obligaſſet ſe hered' & executo-

res

res ſuos per eandem billam prædictus tamen W. licet ſepius requiſit' predict' xxxix. s. prefat. L. in vita ſua ſeu eedem I. poſt mortem eiuſdem L. cui adminiſtr' omnium bonorum & catallorum que fuerunt predict' L. tempore mortis ſue per W. L. Legum Doctorem Cur' Prerogatiue Cantuar' Magiſter' viceſimo die Maij, Anno Domini M.DC.XVI. apud L. predict' poſt mortem predict' L. commiſſus fuit non reddidit ſed ill'ei reddere contra dixit & ill' eedem I. reddere contra dic' ac iniuſte detinet vnde dic' quod deteriorat' eſt Et dampnum habet ad valenc' 20. s. Et inde produc' ſect &c. Et profert' hic in cur. litteras adminiſtr' p̄d̄ W. C. per quas &c.

Non ſum informatus.

Et predict' W. per N. E. attorn' ſuum ven' & defend' vim & iniur' quando &c. Et dictum eſt eidem attorn' eiuſdem W. quod pro eodem W. Magiſtro ſuo pref. I in loquela predict' reſpond' Et idem attorn'

torn' dic. qd ipſe non eſt informatus per eundem W. magiſtrum ſuum de aliqua reſponſ. pro eodem W. præf. I. in loquela p̄d̄ dand' Et nihil aliud inde dic' p̄ qd idem I. rem' verſus præf. W. inde in def. Ideo conc. eſt quod p̄d̄ I. recuperet verſ. præf. W. debitum ſuum p̄d̄ & dampna ſua occaſione detentionis debit' illius ad 56.s. eidem I. ex aſſenſu ſuo per Cur' hic adiudicat' & p̄d̄ W. in mīa &c.

Plene adminiſtrauit.

Et p̄d̄ A. p̄ T. B. attornatum ſuum ven' & defend' vim & iniuriam puando &c. Et dicit quod p̄d̄ quer' actionem ſuā p̄d̄ verſus eum habere non debet quia dicit quod ipſa plene adminiſtrauit omnia bona & catalla que fuer' p̄d̄ I. temporis mortis ſue Et quod ipſa null' habet bona ſeu catall' que fuerunt eiuſdem I. tempore mortis ſue in manibus ſuis adminiſtrand' nec habuit dicit intrationis Placiti ipſius quer' nec vnquam poſtea Et hoc parat' eſt verificare vnde petit iudi-

tium

tium ſi pred. quer' actionem' ſuam p̄d verſus eum habere debent,&c.

Replication & reioynder.

Et predict' quer' dicit quod ipſe per aliqua preallegat' ab actione ſua predict, habend' precludend' non debet quia dicit quod prædict' defend' dicit intrationes placita predict' quer' ſcilicet tali die anno &c. habuit diuerſa bona & cattalla que fuerunt predict' I. tempore mortis ſue in manibus ſuis adminiſtrand' ad valenc' debit predict' vnde eidem quer' de debito illo ſatisfeciſſe potuit videlicet apud A. infra iuriſdictionem huius Cur' Er hoc petit qd inquiratur per patriam Et pred' def. ſcz. Id. 12. &c.

A ſpeciall non eſt factum.

Et p̄d def. per G.P. attorn' ſuū ven' & defed' vim & iniuriam quando &c. et dicit quod ipſe de debito predict' virtute bille predict' onerari non debet quia dic'

quod

quod poſt quam idem defend' ſigillauit & deliberauit billam predict' pref. quer' billa illa de nouo ſcript' & interliniat' fuit in iſtis verbis, viz. Thomas Curwen' per quod billa illa ſic de nouo ſcript' & interliniat' vim ſuam perdidit & effectū Et ſic billa predict' non eſt factum ſuum Et de hoc poni ſe ſuper patriam Et predict' quer' ſcz. &c. Ideo xij. &c.

Nihil dic' in debito.

Et predict' defend' per A. B. attornat' ſuum ven' & defend' vim & iniur' quando &c. & nihil dic' in barr' actionis predict' quer' predict' per quod idem quer' reman' verſ. eundem defend' inde in def. Ideo conc. eſt quod predict' quer' recuperet verſus pref. defend' debitum ſuum pred' & dampna ſua occaſione detentionis debiti illius ad x.s. eidem quer' ex aſſenſu ſuo per Cur' hic' adiudicat' & p̄d def. in mīa &c.

Action

Action ſur le caſe ſur in debitatus aſſumpſit.

G.D. per R.M. attorn' ſuum queritur verſ. R.D. de placito treſpas ſuper caſum pro eo qd cum predict' def. indebitatus fuit pref. quer' in xj.s. legal' monete Angliæ pro vna tunica Anglice a girkin per ipſum quer' pref. def. prius vend' & deliberat, Et ſic indebitatus exiſtens poſtea ſcz. primo die I. anno &c. apud S. infra iuriſdictionē huius cur' p̄d def. in conſideratione inde ſuper ſe aſſumpſit & eidē quer' adtunc & ibidē fidelit' promiſit ad ſoluend' eidem quer' predict' xj.s. pred' tamen def. promiſſ. & aſſumpt' ſuas p̄d minime curans ſed machinans ipſ. quer' de p̄d xj.s. calide decipere & defraudare p̄d xj.s. eidem quer' nondum ſoluit licet eidem quer' ſoluend' poſtea ſc. dictis die Anno & loco infra iuriſdictionem huius cur' per ipſum quer' requiſit' fuit ad dāpnum ipſius quer' x.s. Et inde produc' ſect. &c.

Pleg. de proſeq. { Io. Doo, Ric. Roo.

quod poſt quam idem defend' ſigillauit & deliberauit billam predict' pref. quer' billa illa de nouo ſcript' & interliniat' fuit in iſtis verbis, viz. Thomas Curwen' per quod billa illa ſic de nouo ſcript' & interliniat' vim ſuam perdidit & effectū Et ſic billa predict' non eſt factum ſuum Et de hoc poni ſe ſuper patriam Et predict' quer' ſcz. &c. Ideo xij. &c.

Nihil dic' in debito.

Et predict' defend' per A. B. attornat' ſuum ven' & defend' vim & iniur' quando &c. & nihil dic' in barr' actionis predict' quer' predict' per quod idem quer' remanſ. verſ. eundem defend' inde in def. Ideo conc. eſt quod predict' quer' recuperet verſus pref. defend' debitum ſuum pred' & dampna ſua occaſione detentionis debiti illius ad x.s. eidem quer' ex aſſenſu ſuo per Cur' hic' adiudicat' & p̄d def. in mīa &c.

Action

Action ſur le caſe ſur in debitatus aſſumpſit.

G.D. per R.M. attorn' ſuum queritur verſ. R.D. de placito treſpas ſuper caſum pro eo qd cum predict' def. indebitatus fuit pref. quer' in xj.s. legal' monete Angliæ pro vna tunica Anglice a girkin per ipſum quer' pref. def. prius vend' & deliberat, Et ſic indebitatus exiſtens poſtea ſcz. primo die I. anno &c. apud S. infra iuriſdictionē huius cur' p̄d def. in conſideratione inde ſuper ſe aſſumpſit & eidē quer' adtunc & ibidē fidelit' promiſit ad ſoluend' eidem quer' predict' xj.s. pred' tamen def. promiſſ. & aſſumpt' ſuas p̄d minime curans ſed machinans ipſ. quer' de p̄d xj.s. calide decipere & defraudare p̄d xj.s. eidem quer' nondum ſoluit licet eidem quer' ſoluend' poſtea ſc. dictis die Anno & loco infra iuriſdictionem huius cur' per ipſum quer' requiſit' fuit ad dāpnum ipſius quer' x.s. Et inde produc' ſect. &c.

Pleg. de proſeq. { Io. Doo, Ric. Roo.

Alit. indebit. assumpsit.

I.C. Attach. est ad respondend' I.W. de placito transgres. super casum, & vnde idem I.P. per I.S. Attorn' suum dic' quod cum predict. I.C. primo die oct. anno &c hic apud S. infra iurisdictionē huius Cur' indebitatus fuisset præfat' I.W. in summa xxxviij. s. legal' monet' Angliæ pro arrerag' reddit' vnius messuagij & vnius acræ terræ & pro diuersis denar' summis in mutuo deliberat', Ac etiam pro diuersis al' rebus eidem I. per prædict' I. ante tempus illud debit' & solubil', & sic inde indebitat' existen' idem I.C. in consideratione inde super se assumpsit quod ipse idem I.C. præd' xxxviij. s. eidem I.W. cū inde requisitus fuisset bene & fidelit' soluere & contentare vellet, præd' tamen I. C. promission' & assumpt' suas pred. minime curans sed machinans & fraudulenter intendens eundem I. W. in hac parte callide & nequiter decipere & defraudere predict' xxxviij. s. eidem I. iuxta promiss. & assump' suas pd' licet ad hoc

postea

poſtea ſcz.x.die Oct. anno regni domini regis nunc xiij.ſupradicto apud S.præd. per eundem I.requiſit' fuit non ſoluit ſed illos ei omnio hucuſque ſoluere contradixit. Et adhuc contradic' vnde dic' qd deteriorat' eſt,& dampnum habet ad valenc' x.s. Et inde produc' ſect' &c.

Non aſſumpſit.

Et pred' I.per I.W. Attorn' ſuum ven' & defend' vim & iniur' quando &c. Et dic' qd non Aſſumpſit eidem quer' modo & forma prout pred' quer' ſuperius verſus eum queritur. Et de hoc ponet ſe ſup patriã, & p̃d' quer' ſimilit' Id' xij. &c.

Actio ſur le caſe ſuper in ſimul computauer.

R.S. queritur de N. W. de plac' tranſ. ſuper caſum pro eo viz.qd cum quidã H. W.& R.H.ſecũdo die I.ann.&c.apud A infra iuriſdictionẽ huius cur' inſimul cõputauer' cũ eodẽ *R.* de diuerſis denar' ſũmis ante tẽpus illud pro arrerag' reddit'

& al' rebus eidē R. per præd' H. & R. debit' & ſolubil' & ſuper comp. illo ijdem H. & R. inuenti fuiſſent in arreragijs erga pred' *R.* in ſumma xxxvj.s. legal' monetæ Angliæ ſoluend' eidem R. cum inde requilit' eſſent cumq; etiam pred' W. adtunc & ibm' ſimilit' eodē ſecundo die I. anno 8. ſuprad' apud A. pred' inſtantiſſime requiſiuit pred' R. quatinus idem R. acquietaret & exoneraret pred' H. & R. de pred' xxxvj.s. p̄d' N. in conſideration' inde ſuper ſe aſſumpſit et eidem R. adtūc & ibidem fidelit' promiſit qd ipſe idem N. pred' xxxvj.s. eidē *R.* cum inde requiſit' eſſet bene & fidelit' ſoluere & contentare vellet. Et idem R. in facto dic. quod ipſe fidem adhibens promiſſioni & aſſumptioni ipſius N. pred' adtunc & ibidem acquietauit & exonerauit predict. H. & *R.* de predict' xxxvj. s. pred' tamen N. promiſſ. & aſſump' ſuas predict' minime curans ſed machinans & fraudulenter intendens eundem *R.* in hac parte calide & nequiter decipere & defraudare predict. xxxvj.s. eidem R. licet ad hoc apud A. predict' infra iuriſdictionem p̄d'

poſtea

postea scilicet vltimo die I. anno regni dicti domini regis nunc 8. supradicto per pred' R. requisit' fuit non soluit nec aliqualiter pro eisdem hucusque contentauit per quod idem R. dic' quod ipse totū lucrum commodum & proficuum que ipse cum pred' xxxvj.s. emendo vendendo liciteq; barganizando habere & lucrare potuisset si pred' M. promiss. & assumpt' suas pred' sic in forma pred' fact' tenuisset & performasset totaliter perdidit & amisit vnde idem R. dic' qd deteriorat' est, Et dampnum habet ad valenc' x.s. & inde produc' sect' &c.

Action sur le case sur indebit' assumpsit.

T. E. queritur versus B. B. de placito transgr. super casum per eo viz. qd cum predict' B. primo die Ia. anno regni domini regis nunc Angliæ &c. nono apud A. infra iurisdictionem huius Cur' in consideratione quod prædict. T. ad specialem instanc' & requisitionem ipsius B. adtunc & ibidem mutuo dedisset

& accommodaſſet eidem B. xxx.s. bone & legalis monetæ Angliæ ſuper ſe aſſumpſit & eidem T. adtunc & ibidem fidelit' promiſit quod ipſe eidem B. xxx.s. bone & legalis monetæ Angl' eidem T. cum inde requiſit' eſſet bene & fidelit' ſoluere & contentare vellet Præd' tamen B. promiſſ. & aſſumpt' ſuas prædict' minime curans ſed machinans prædict' T. de prædict' xxx.s. calideæ ſubdole decipere & defraudare predict' xxx. s. præf. T. licet per eundem T. poſtea ſcilicet primo die Oct' anno &c. ſupradicto apud A. prædict' requiſit' fuiſſet iuxta promiſſ. & aſſupſ. ſuas p̄d' nondum ſoluit nec aliqualiter contentauit per quod prædict' T. in nedenc' ſua erga diuerſ. dicti dom. regis nunc ſubdit' & p̄cipue erga F. M. cui idem T. in conſil. ſumm' xxx.s. indebitat' fuit, Ac cui idem T. eoſdē xxx. s. ad rect' diem iam diu p̄terit' ſuper ſpe fidel' performationis promiſſ. & aſſumption' p̄d' ſoluere & contentare promiſſerat multipliciter læſus & deteriorat' eſt, Et dampnum habet ad valenc' xx. s. Et inde produc' ſect' &c.

Plaint

Plaint ſur Replevin.

Williel. L. ſum. fuit ad reſpondend' Will. B. de placito captionis & iniuſte detencionis aueriorũ ſuorum Et vnde idem W.B. per R.D. attorn. ſuum de qd pred' W.L. quinto die Decembris anno regni Domini Regis nunc Angliæ &c. xj. apud Q. in quodam loco ibidem voc. Buſhie Cloſe ipſius W. B. infra iuriſdict' huius Cur. cepit aurior' viz. vnam vaccam ipſius W. B. & eam iniuſte detenuit contra vad' & pleg. quouſque vnde dic' quod deterioratus eſt Et dampnum habit ad valenc' xxxix. s. Et inde produc' ſect' &c.

Auowrie pur damage feſant in ſon franktenement.

Et p̃d W. in propria perſona ſua ven' & defend' vim & iniur' quand' &c. & bene aduocat captionẽ aueriorũ pred' in pred' loco in quo &c. & iniuſte &c. quia dic. qd p̃d loc. in quo ſupp. capt. auerior'

pred' fieri est & pred' tempore captionis pred' supponit' fieri fuit solum & liberũ tent' ipsius W. Et quod vacca pred' fuit eodẽ tempore in eodem loco herbã ibm' tunc crescen' depascen' & dampnum facien' per quod idem W. vaccam ill' adtunc & ibm' sic dampnum facien' cepit & imparcauit prout ei bene licuit, Et hoc parat' est verificare vnde petit iudicium & retorn' aueriorum predict' sibi adiudicari &c.

Auowrie aliter vnum in iure suo proprio & alit' vt seruiens' per eius precept'.

Et ꝑd' T.B.& C.B.per W.C.Attorn' suum ven' & defend' vim & iniur' quando &c. Et dic' quod predict' R.B. est & pred' tempore captionis aueriorũ pred' fieri supponit' fuit seisit' de quodã claus. voc' le Coniger in predict' villa de E.inf. iurisdictionẽ huius cur' in dom'suo vt de feodo que quidem, Equa pred' tempore quo &c. fuit in eodem clauso vocat' *the Coniger* herbam suam ibidem depascentem & dampnum in eodem clauso facien'

faciend. per quod ipse idem R,B,in iure suo proprio, Et pred' T, B, per eius precept' ceperunt equã illam & eam impar-caueret prout eis bene licuit, Absq, hoc qd ipsi ceperunt equam pred. in predict. loco voc' *the common Meade*, prout pred. W,T, versus eos queritur, Et hoc parat' sunt verificare, vnde pet' iudic' & retorn' aueriorum pred' sibi adiudicari &c.

Auowrie pur amerciament in Leet.

Et pred. L,P, per T.R. attornat. suum venit & defendit vim & iniuriam quando &c. Et vt balliuus T,H, ar. bene cognouit captionem iuuence pred. in predict. loco in quo &c. Et iuste &c. Quia dic' quod idem locus in quo supponitur captionem iuuence predict' fieri cõtinet & predict. tempore quo supponitur captionem iuuence predict. fieri continebat in se 12. actas terræ voc' Reke fields in W. predict. infra precinctum cur' vis. franc' pleg. dicti T,H, infra manerium suum de M. tenend. in comitat. South. predict de quo quidem maner' cũ pert. ante predictum tempus quo &c. & eodẽ

tem-

tempore quo &c. pred. T, H, fuit ſeiſit' in dominico ſuo vt de feodo, infra quod quidem manerium idem Thomas & oēs ill' quorum ſtatum idem T. modo habet & predicto tempore quo &c. habuit in maner' predict' cum pertinentijs a tempore cuius contrarij memoria hominum non exiſtit habuerunt & habere, tenere, & cuſtodire conſueuer cur' vif. frāc. pleg. bis per annum, videlicet, ſemel infr' menſem proxim. poſt feſtū Paſch. & iterum infra menſem proxim. poſt feſtum ſancti Michaelis Archang. apud manerīū illud coram Seneſcall. manerij illius pro tempore exiſten', Et omnes inhabitantes & reſidentes infra maneriū illud, ad cur' vif. franc' pleg. manerij predict. vſi fuerūt comparere & ibidem onerari & iurari de & ſuper omnibus articulis qui ad cur' vif. franc. pleg. predict. pertinent ad inquirend', Quodq; predict. T, ac omnes illi quorum ſtatum idem T. in manerio predict' cum pertinentijs modo habent & pred. tempore quo &c. habuerunt. ac a toto tempore pred. vſi fuerunt diſtringere pro pœnis & amerciamentis in eadē cur'

cur' vic' franc' pleg. imponit', Et idem L dicit quod ante predict. tempus quo &c. ſcilicet ad quandam cur' viſ. franc. pleg. tent' apud manerium predictū infra mēſem prox. poſt feſtum ſancti Michaelis Archangeli ſcilicet xxx. die Septembris anno regni domini regis nunc Angl. &c. decimo coram W, Y, gen' adtunc ſeneſcallo cur' viſ. franc. pleg. manerij ſui predicti per quoſdam Iohannem N, &c. recitand. omnes Iur' per nomina in eadem cur' viſ. franc' pleg. de hijs quæ ad cur' viſ. franc. pleg. predict. pertinent onerat' & iurat' ad inquirend. ſuper eorum ſacramentum preſent' fuit quod pred. W T, reſiden' & inhabitan' infra precinctū cur' viſ. franc' pleg pred. adtunc exiſtebat, ac qd diuerſ. ſepes ipſi⁹ W. infra precinctū manerij pred. incluſe iacebant ad nocument. diuerſ. inhabitan' infra manerium pred. per qd adtunc & ibidē precept. fuit eidem W. T. ſufficient' facere ſepes ſuas. viz. apud le Home breach verſus viam regiam & ſepes ſuas verſus venellum vocat' Morie Lane &c. ante decimum quintum diem Octobris tunc

prox-

prox. futur' ſub pœna xx. s. ante quem diem idem Will. ſepes ſuas predict. non feciſſet ſecundum precept' Iur' pred. per qd predict. pœna predictorum viginti ſolid. per pred. Will. T. forisfact. fuer' Et quia pred. viginti ſolid. pro pœna pred. pred. tempore quo &c. pref. T. H. arretro fuerunt inſolut' idem L. vt balliuus pred. T. pro eiſdem xx. s. pro pœna pred. arretro exiſten' inſolut' bene cognouit captionē iunenc' pred. in predicto loco in quo &c. Et iuſte &c. infra precinct. viſ' franc' pleg. pred' &c.

Barr. quant auers enter pur default de incloſuer & que lauowant doit faire.

Et pred. T. dic' quod pred. E. captionē aueriorum predict. ratione preallegat' iuſt. aduocare non debet quia dic. quod tempus captionis predict. facte quidam W. C. fuit ſeiſit' de quodam clauſo voc' *R.* in M, in comitatu pred. in predict. loco vocat' G. contigne adiacen' in dominico ſuo vt de feodo idemq; W, ſic inde ſeiſit'

ante

ante idem tempus quo &c. apud A, clauſum illud dimiſit eidem T, habend' ſibi ad voluntatem dict. W, quo pretextu idem T. tempore captionis predict. factæ de clauſo illo fuit poſſeſſionat', Ac pred. E, eodem tempore fuit ſeiſit' de predicto clauſo vocat' G, in dominico ſuo vt de feodo idemq; E, & omnes illi quorũ ſtatum ipſe tunc habuit in loco ill' fecer' & reparauer' & vſi fuerunt facere & reparare quotiens neceſſe fuit quandam ſepem ſiue clauſur' dict. locum voc' G. a pred. clauſo vocat' M. penitus ſeparant' & def. a tempore cuius contrarij memoria hominum non exiſtit, Et idem T, dicit qd ipſe de predicto clauſo vocat' M, virtute admiſſionis predict. poſſeſſionat' ante predictum tempus quo &c. poſuit aueria ſua pred. in clauſum illud ad depaſcend' ibid. Et pro eo quod ſepes pred. E, tempore captionis pred. fact. & antea pro defectu reparationis inde in diuerſ. partibus eiuſdẽ rupt' fuit & vaſtat' aũia pred in clauſ. ill' in pred. loco voc' G, per rupt' ill' tẽpore caption' pred. euaſer' & intrauer', Et pred. E, tunc ibid. exiſtens aueria

ill'

ill' tunc ibīd. cepit prout per narr' pred. ſuppon', Et hoc parat' eſt verificare vnde petit iudic' & dampna ſua occaſion' captionis illius ſibi adiudicare &c.

Replic' quer. le incloſuer fuit ſufficient.

Et pred. E, dic' qd aueria illa tempore captionis p̄d ſupp' fieri ſepem pred ſufficient' fact. & reparat' & violent' freger' & in pred. locum voc. G, intrauer' & herbā in loco illo creſcen' depaſti fuer' & dāpnum in eo fecer' per qd idem E. aueria ill' tunc ibid. cepit prout idē E, ſuperius allegauit, & hoc parat' eſt verificare, vnde petit iudic' & retorn. aueriorum illorum ſibi adiudicare &c.

Reioinder.

Et predict. T, dic' qd ſepes pred. tempore captionis pred. ſupponit' fieri rupt' & vaſtat' fuit in forma qua idem T, ſuperius allegauit, & hoc petit qd inquiratur per patriam, Et ſimiliter, Ideo 12. &c.

Acti-

Action de trouer.

ſſ. I,P.queritur de I,K,de placito treſpas,Et vnde idem I,per I,W, attornatū ſuum dic.quod cum predict.I,P, primo die Nouemb.ann.regni dom.regis nunc Angl. &c. apud P, infra iuriſdictionem huius cur' poſſeſſionat' fuiſſet de duobus ouibus matric' Angl.Ewes precij x.s. vt de bonis & cattall' ſuis propris, Et ſic inde poſſeſſionat' exiſtens poſtea ſcilicet, eiſdem die & anno apud P, pred. bona & catall' pred. extra manus & poſſeſſionē ſuas caſualit' perdidit & amiſit quæ quidem bona & catal' poſtea ſcilicet eiſdem die & anno apud P. pred. ad manus & poſſeſſionem ipſius I,P,inuentionem deuenerunt Predict.tamen I,cert' ſcien.bona & catall.pred.fore bona & catall.predict. I,P,& ad ipſum I, P, de iure ſpectare & pertinere machinan. & fraudulenter intenden' eundem *I*,P, in hac parte calide & ſubdole defraudar' & decipere bona et catalla predict. prefat. *I*,P, licet ſepius requiſit' &c. nondum tradidit nec deli-

deliberauit ſed bona & catalla predict poſtea ſcilicet primo die Decembris anno decimo ſupradict. in vſum & commodum ſuum propriũ diſpoſuit & convertit ad dampn' ipſius I,P, xx.s. & inde produc' ſect.&c.

Count en treſpas.

S,S,attachiatus fuit ad reſpondend.I, E,de placito quare ipſe ſimul cum W,L, clauſum & domum ipſius I,apud B, infra iuriſdictionem huius cur' fregit, Et alia enormia &c. vnde idem I; per I;H,attornatum ſuum queritur quod predictus *S*, ſimul &c. xxx. die *S*eptembris, anno regni domini regis nunc Angliæ &c. decimo clauſum & domum ipſius I, apud B,infra iuriſdictionem huius curiæ fregit & alia enormia &c.ad graue dampnum ipſius *I*,vnde dicit quod deteriorat' eſt,& dampnum habet ad valenc' xx.s. & inde produc' ſect' &c.

Pro

Pro cloſe & meaſon debruſe, & herbes pris, tunc ſic.

Et vnde idem H, in propria perſona ſua queritur de pred. I, ſimul cum R, R, & I, L, 1. die Sept. anno &c. clauſ. & dom. ipſius H. apud W. infra iuriſdictionē huius cur' fregit & herbam ſuam ad valenc' 20. s. iam nuper creſcen. cum quibuſdam auerijs, viz. equis, bobus, vaccis, & bidentibus depaſtus ſint conculcauit & conſũſit, Et alia enormia ei intuler' ad dampnum ipſius H. xxx. s. Et inde preduc' ſectam, &c.

Non cul. plead.

Et pred. def. per I, F, attornat ſuũ venit & defend. vim & iniuriã quando &c. & quoad tot' tranſgr. pred' preter fractionem clauſ. pred. dic' qd ipſe in nullo eſt inde culp. prout pred. quer' ſuperius verſus eum queritur, Et de hoc pon. ſe ſuper patriã, & predict. quer' ſimiliter, & quoad fractionem clauſi pred. idem def. dic' qd

pred. quer' actionem ſuam predict. ver
ſus eum habere non debet quia dic' quod
predict. quer' ante tempus quo ſupponi
tur tranſgraſ. predict. fieri vnam vaccam
ipſius def. apud G, predict. inuent' abſ
que cauſa rationabili cepit & ill' in clau
ſura predict' fugauit & illam ibidem im
parcauit per quod idē def. pro vacca ill'
rehabend. clauſ. predictū pred. tempore
quo &c. intrauit & eam tunc ibidem ce
pit & abduxit prout ei bene licuit & hoc
parat' eſt verificare vnde petit iudicū ſi
Pred. quer' action' ſuā pred. inde verſus
eum habere debeat &c.

Replication de ſon tort demeſne ſans tiel cauſe, & iſſue ſur ceo.

Et predict. quer' dic' quod ipſe per ali
qua prealigat' ab actione ſua pred. de fra
ctione clauſ. pred. verſus prefat' def. hēnd.
precludi nō debet, quia dic' qd pred. def.
die & anno ſupradict' de iniuria ſua pro
pria & abſq; cauſa per ipſum def. prealli
gat' clauſ. ipſius quer' apud C. pred. fregit

prout

prout ipſe ſuperius verſus eum queritur, Et hoc petit qd inquiratur per patriam, & pred' def. ſimiliter, ideo 12. &c.

Barr in treſpas per offer de reaſonable amends.

Et predict. def. per I.W. attornatum ſuum venit & defend. vim & iniur' quãdo &c. Et dic' quod predict' quer' actionem ſuã pred. verſus eum habere non debet, quia dic' qd ipſe immediat' poſt predict' tempus trangſ. pred. fieri ſupponit' ſcilicet x. die Jan. anno &c. apud N. pred. per manus ipſius def. proprias optulit ad ſoluend. pref. quer' ijs pro dãpnis ſuis cũ vaccis pred' in predict. loco in quo &c. pref. quer' fec' qui quidem ijs fuer' ſuffic' amend. pro dampn' cum vaccis pred. in pred. loco in quo &c. eodem tẽpore quo &c. fac' quos quidẽ ijs pred. quer' de eodem def. recipere adtunc & ibid. penitus recuſant, Et hoc parat' eſt verificare vnde petit iudic' ſi pred. quer' actionẽ ſuã pred' inde verſus eum habere ſeu manutere debeat &c.

Tender de ſufficient amendes eſt bon' plea in Replegiar' ante imparcationem aueriorum, mes nemy poſt.

Note that if any man pl. or def. be minded to remoue any action out of this court, hee muſt do it by the R. writ, called an Accedas ad cur', which iſſueth out of the Chancerie, & it muſt be made by the Curſiter of that ſhire where the action lieth, and directed to the Sherife of the ſame county, who will make his warrant to the bailife of that court, and the bailif muſt make his retorne of the warrant thus, firſt the bailife ſends or deliuers to the ſherife a copie of the entrance of the court when the cauſe was remoued thus.

Alton Weſtbrooke.

Cur' R. T. mil' ibid. tent' die Iouis, viz. 10. die Maij anno regni dom. noſtri Iac. dei gratia Angl', Scoc. Franc. & Hibern. regis fidei defenſ. &c. viz. Angl. Franc. & Hibern. xv. & Scoc. 51. coram I, W, G, S, R, H, & T, D, ſect' eiuſdem cur'.

The copie of the plaint.

I, S, queritur verſus W, W, de placit ca[p]

captionis & iniuſte deientionis aueriorũ ſuorum.

Virtute iſtius precept' mihi directi accept' mecum I,W,&c. quatuor diſcet' milit' hundred.de A.pred.acceſſi ad cur' R.T. milit' & recordari feci loquelã quæ eſt in eadem cur.inter I,S,quer' & W.W def.& record' illud parat' habeo ſub ſigil. meo & ſigill' pred.4.mil' eiuſdem cur' ex illis qui record' ill' inter fuer' & partibus pred.eundem diẽ prefixi prout mihi precept' fuit,In cuius rei teſtim.tam ego R.F balliuus hundred.pred.quam pred.I.W. &c.4.legal' mil' hundred' pred. preſentibus ſigill' noſtrum appoſuimus.

Thereupon the Sherife maketh his returne, as to the ſaid writ appeareth.

FINIS.